

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION
4

5 -----) MDL No. 2804

6 IN RE NATIONAL PRESCRIPTION)

7 OPIATE LITIGATION) Case No. 17-md-2804

8)

9 This document relates to:) Hon. Dan A. Polster

10 All Cases)

11 -----) VOLUME II

12

13 HIGHLY CONFIDENTIAL

14 SUBJECT TO FURTHER CONFIDENTIALITY REVIEW

15

16 The resumed videotaped deposition of
17 STEPHEN SEID, called for examination, taken pursuant
18 to the Federal Rules of Civil Procedure of the United
19 States District Courts pertaining to the taking of
20 depositions, taken before JULIANA F. ZAJICEK, a
21 Registered Professional Reporter and a Certified
22 Shorthand Reporter, at the offices of Dechert LLP,
23 Suite 3400, 35 West Wacker Drive, Chicago, Illinois,
24 on December 13, 2018, at 9:00 a.m.

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24 REPORTED BY: JULIANA F. ZAJICEK, RPR, CSR 84-2604.

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14

15 *****

16

17 E X H I B I T S

18 PURDUE-SEID EXHIBIT MARKED FOR ID

19 No. 016 E-mail chain, top one from Dan 226

Colucci to Howard Udell, among
20 others, 6/6/07, Subject: SOP 7.7

System to disclose suspicious
21 orders of controlled substances
SOP.pdf; PPLPC004000119319 - 320

22 and PPLPC004000119321_001 -
321_003

23

24

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1		
2		
3	No. 017 E-mail chain, top one from Aaron	248
4	Graham to Charles Forsaith and Dan	
5	Colucci, 6/6/2007, Subject: RE:	
6	Sop 7.7 System to disclose	
7	suspicious orders of controlled	
8	substances; PPLPC016000001102 -	
9	104	
10	No. 018 E-mail chain, top one from Thomas	250
11	Roepke to Charles Forsaith,	
12	6/7/2007, Subject: Re: SOP 7.7	
13	System to disclose suspicious	
14	orders of controlled substances;	
15	PPLPC018000152012 - 015	
16		
17	No. 019 E-mail chain, top one from Jack	261
18	Crowley to Dan Colucci, among	
19	others, 10/3/07, Subject: RE:	
20	Follow-up on Suspicious Order	
21	Reporting; PPLPC004000132946 - 954	
22		
23	No. 020 E-mail from Gina Limer to Jack	277
24	Crowley, 2/6/08, Subject: RE:	
25	Suspicious Orders Meeting with	
26	attachment, Suspicious Order	
27	Monitoring and Reporting Meeting	
28	020608.doc; PPLPC026000037881 -	
29	883	
30		
31	No. 021 E-mail from William Mallin to	288
32	Robin Abrams, among others,	
33	5/30/12, Subject: May 2012 Updated	
34	Purdue Committee Charters,with	
35	attachment Purdue Committees	
36	Binder May 2012.ppt;	
37	PPLPC012000378036 - 037	
38		
39	No. 022 "OMS report May 5th, 2011, Kabs	293
40	Pharmacy No. 5";	
41	PPLPC004000279670 - 671	
42		
43		
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1		E X H I B I T S (Continued)	
2	PURDUE-SEID EXHIBIT		MARKED FOR ID
3	No. 023	E-mail chain, top one from Mark Geraci to Nancy Bentley, 1/28/10, Subject: FW: OMS Meeting 10:00am, with attachments OMS Monthly Meeting 12162009Minutes.docx, OMS Quarterly Meeting Agenda January 28, 2010.doc; PPLPC034000360255 - 266	297
4			
5			
6			
7			
8	No. 024	E-mail chain, top one from Stephen Seid to ValueTrak@valuecentric.com, 7/13/2009, Subject: RE: Item Exceeds Average; PPLPC004000207529 - 530	314
9			
10			
11	No. 025	E-mail chain, top one from Stephen Seid to valuetrak@valuecentric.com, 7/13/2009, Subject: RE: Item Exceeds Average; PPLPC004000207523 - 524	320
12			
13			
14			
15	No. 026	E-mail chain, top one from Stephen Seid to Dawn Wargo, among others, 7/20/2009, Subject: FW: Item Exceeds Average; PPLPC004000208240 - 241	321
16			
17			
18	No. 027	E-mail chain, top one from Stephen Seid to FFSOrderMngt, 9/9/2009, Subject: RE: Item On Order Exceeds Average Exception; PPLPC004000213649 - 650	323
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20			
21	No. 028	E-mail chain, top e-mail from Stephen Seid to FFSOrderMngt, 9/24/2009, Subject: RE: Item On Order Exceeds Average Exception; PPLPC004000214875 - 876	324
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2			
3	No. 029	E-mail chain, top one from Stephen Seid to FFSOrderMngt, 10/27/2009,	325
4		Subject: FW: Item On Order Exceeds Average Exception;	
5		PPLPC004000218107 - 108	
6	No. 030	E-mail chain, top one from Stephen Seid to FFSOrderMngt, 10/1/2009,	327
7		Subject: FW: Item On Order Exceeds Average Exception;	
8		PPLPC004000215590 - 591	
9	No. 031	Training document titled:	329
10		"Institutional Contracts, Level 150," by Christine Ostrowski,	
11		Senior Director Managed Markets Contracting & Operations;	
12		PPLP003553723 - 754	
13	No. 032	E-mail chain, top one from Stephen Seid to Steve Bishop, Cheryl	329
14		Siciliano, 11/10/10, Subject: FW: Butrans; PPLPC004000256865 - 866	
15	No. 033	E-mail from Giselle Issa to Robin Abrams, among others, 4/16/14,	329
16		Subject: Final Agenda and Presentation, with attachment	
17		Overview of Purdue's OMS Program for ABC Meeting April 17 2014.ppt,	
18		Purdue Meeting with ABC April 17 2014.docx; PPLPC004000399334 - 337	
19			
20	No. 034	Personnel File - Stephen Seid; PPLP004418217 - 400	336
21	No. 035	JC Elmo Notes	337
22	No. 036	PowerPoint dated 3/13/12 by Robin Abrams, "Order Monitoring System	339
23		(OMS): A Manufacturer's Perspective"; PPLPC004000317962	
24			

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1		
2		
3	No. 037 E-mail from Giselle Issa to Mark	378
4	Geraci, among others, 6/7/12,	
5	Subject: Updated Agenda and the 3	
6	Outstanding Reports for OMS	
7	Meeting, with attachments;	
8	PPLPC004000325578 - 607	
9		
10	No. 038 Field Research Results Summary -	403
11	Update, 12/5/06;	
12	PP_TN_Staubus000202716 - 724	
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14	No. 039 E-mail from Aileen Barcia to	404
15	Russem Johnson, among others,	
16	10/05/07, Subject: Frank and Janet	
17	McNeil; PP_TN_Staubus000003441	
18	No. 040 AE/PC Data Collection Form,	406
19	8/22/08;	
20	PP_TN_Staubus000186585 - 592	
21	No. 041 E-mail chain, top one from	410
22	Steve Bishop to Stephen Seid,	
23	Cheryl Siciliano, 9/22/2008,	
24	Subject: FW: Community Awareness	
	Knox County;	
	PPLPC004000175719 - 720	
	No. 042 CSA Compliance Accounts as of	420
	6/1/10; PPLP004381168 - 170	
	No. 043 Referral to DEA re: Frank McNeil;	421
	PTN000045572	
	No. 044 E-mail from Giselle Issa to Mark	422
	Geraci, among others, 7/16/13,	
	Subject: Reports for the OMS	
	Meeting; PPLPC004000363663	
	No. 045 E-mail from Joan Zooper to Lori	423
	Stewart, among others, 4/7/11,	
	Subject: Drs. Janet and Frank	
	McNiel from TN;	
	PP_TN_Staubus000002663	

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	PURDUE-SEID EXHIBIT		MARKED FOR ID
1	No. 046	E-mail from Brenda Dawson to	426
2		ADD-Legal, among others, 4/19/12,	
3		Subject: FW: QE/PC/ROC/ADD(SOP	
4		1.7.1) Details for	
5		1025310000005888 PFT-000167144;	
6		PP_TN_Staubus00003387 - 388	
7	No. 047	E-mail chain, top one from Jack	427
8		Crowley to Stephen Seid, Giselle	
9		Issa, 9/13/12, Subject: OMS	
10		Accounts; PPLPC004000334743 - 744	
11	No. 048	OMS Summary Report, 9/10/12, Drug	430
12		Park Inc.; PPLP004380246 - 269	
13	No. 049	OMS Report, Updated 7/18/13,	430
14		Original 6/7/12, Food City	
15		Pharmacy #674;	
16		PPLPC004000363824 - 841	
17	No. 050	OMS Meeting Minutes, 7/18/13;	435
18		PPLP004372147 - 149	
19	No. 051	McKesson Manufacturer Marketing	447
20		Product Promotional Agreement,	
21		7/25/10; MCKMDL00353305 - 306	
22	No. 052	Banner Ad OxyContin Reformulation;	448
23		MCKMDL00353284	
24	No. 053	GC-SOP-0007, 3/23/09;	471
		PPLPC031001491482 - 487	
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	No. 055	E-mail chain, top one from Michael	485
		Cullen to Bob Breetz, among	
		others, 9/12/10, Subject: RE:	
		OxyContin Question, with	
		attachment;	
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	No. 056	OMS Customer Details;	491

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2	PURDUE-SEID EXHIBIT		MARKED FOR ID
3	No. 057	Screen shot of the suspicious order monitoring database;	495
4		PPLPC033000006038 - 039	
5	No. 058	McKesson Manufacturer Marketing, 8/20/12, Prepared for Purdue	505
6		Pharma L.P. - RxPATROL;	
7		MCKMDL00353316 - 319	
8	No. 059	Screen shot McKesson Connect;	509
9		MCKMDL00353308	
10	No. 060	McKesson Manufacturer Marketing - Custom Solutions for Driving Brand Performance;	512
11		CAH_MDL2804_02100389 - 396	
12	No. 061	E-mail from Jack Crowley to Robin Abrams, among others, 11/23/09, Subject: South Florida;	523
13		PPLPC004000220392 - 394	
14	No. 062	PowerPoint presentation: Purdue OxyContin Trends;	528
15		PPLPC004000396762 - 780	
16	No. 063	E-mail from Jack Crowley to Stephen Seid, among others, 4/6/2009, Subject: RE: OMS;	532
17		PPLPC004000198309 - 316	
18	No. 064	E-mail from Jack Crowley to Stephen Seid, 2/17/12, Subject: Meeting;	535
19		PPLPC004000312845 - 847	
20	No. 065	LinkedIn profile - Barbara Boockholdt	547
21			
22			
23			
24			

1 THE VIDEOGRAPHER: We are back on the record on
2 December 13th, 2018. The time is 9:20 a.m. This is
3 the continuation of the deposition of Mr. Seid. The
4 witness is still under oath.

5 Counsel, you may proceed.

6 (WHEREUPON, a certain document was
7 marked Purdue-Seid Deposition Exhibit
8 No. 016, for identification, as of
9 12/13/2018.)

10 STEPHEN SEID,
11 called as a witness herein, having been previously
12 duly sworn, was examined and testified further as
13 follows:

14 EXAMINATION (Resumed)

15 BY MS. CONROY:

16 Q. Good morning, Mr. Seid.

17 A. Good morning.

18 Q. Let me pass to you what I've marked as
19 Exhibit 16.

20 A. Thank you.

21 Q. Exhibit 16 is PPLPC004000119319 through
22 321, and it is an e-mail that is dated Wednesday,
23 the 6th of June, 2007, that's the top one, from Dan
24 Colucci.

1 Who is Dan Colucci?

2 A. Dan Colucci is in finance.

3 Q. Okay. And you are on the list of
4 recipients.

5 Do you see that up at the top, all of
6 those names?

7 A. Yes. Yeah, I see myself.

8 Q. Okay. And the subject is: "Standard
9 Operating Procedure 7.7 System to Disclose Suspicious
10 Orders of Controlled Substances."

11 Do you see that?

12 A. Yes.

13 Q. And are you fam -- I think you told me
14 yesterday you were not familiar with 7.7.

15 Does this refresh at all seeing it in
16 print?

17 A. No, I'm not familiar with it.

18 Q. Okay. And if you take a look at the
19 second page of the e-mail, there is a reference from
20 an Anthony DiCocco?

21 A. Yes.

22 Q. About Watson's Anda division.

23 Do you see that, about some orders?

24 A. Yes.

1 Q. And then there is a -- up at the top there
2 is a reference to -- for you to call him.

3 Do you see that? "Steve, when you can,
4 please call me."

5 A. It looks like something is cut off here.
6 Oh, from back here.

7 Yes, I see that.

8 MS. FITZPATRICK: Do you have the attachment?

9 MS. CONROY: The attachment is not -- I think
10 it's --

11 Does yours have it or no?

12 MS. PORTER: No, it does not, neither does the
13 witness's.

14 MS. CONROY: All right. Let's -- let's go off
15 the record.

16 THE VIDEOGRAPHER: We are off the record at
17 9:23 a.m.

18 (WHEREUPON, discussion was had
19 off the record.)

20 THE VIDEOGRAPHER: We are back on the record at
21 9:26 a.m.

22 BY MS. CONROY:

23 Q. Mr. Seid, we took a -- a brief moment to
24 replace your exhibit. Now you have the attachment

1 that was meant to be a part of Exhibit 16. And
2 Exhibit 16, I'll just read it so I make sure I get the
3 whole thing, PPLPC004000119319 through 003, and it
4 includes the SOP 7.7 in those numbers, which I think
5 are different -- actually, I'm just going to read.
6 7.7 has three separate numbers. PPLPC004000119321-001
7 through 003.

8 If you take a look at the attachment, 7.7
9 that's attached to your e-mail thread, Mr. Seid, is it
10 familiar to you?

11 A. No.

12 Q. If you received it from Mr. Udell back on
13 Wednesday, June 6th of 2-7 -- 2007, is that something
14 you would have opened?

15 Would you have opened the attachment?

16 A. I don't see that on here.

17 Q. You -- you don't see what?

18 A. I don't -- if I had received this from
19 How -- Howard Udell?

20 Q. Correct.

21 A. Which is --

22 Q. What I'm looking at is on the front page,
23 there is -- I'm sorry. From Dan Colucci, there was an
24 e-mail from Dan -- Dan Colucci to Howard Udell, many

1 other Purdue recipients, yourself included.

2 Do you see that?

3 A. Um-hum.

4 Q. And the SOP 7.7, System to Disclose
5 Suspicious Orders of Controlled Substances, was
6 attached.

7 Do you see that SOP.pdf?

8 A. Yes.

9 Q. If you had received it from Mr. Colucci,
10 would you have opened the attachment?

11 A. I can't tell you whether I would have
12 opened the attachment or not.

13 Q. Is there a reason -- as you were on the
14 suspicious order monitoring committee, correct?

15 A. Yes.

16 Q. Is there a reason you would not have seen
17 or been familiar with SOP 7.7?

18 A. This is a finance and accounting standard
19 operating procedures manual. I norm --

20 Q. Is that -- so is that why you would not
21 have been aware of it, because it was a -- a finance
22 and accounting SOP?

23 A. That's why I was not familiar with it.

24 Q. So it would be -- it would not be

1 something that you would follow?

2 MR. HOFFMAN: Object to form.

3 BY THE WITNESS:

4 A. I don't -- it's just -- it's an SOP I'm
5 not aware of. It's a finance and -- and accounting
6 department procedures manual and it's about their
7 procedures and what they follow, so it...

8 BY MS. CONROY:

9 Q. Is there a representative of finance on
10 the suspicious order monitoring committee?

11 A. No.

12 Q. Is there a reason there is no
13 representative from finance on the suspicious order
14 monitoring committee?

15 MR. HOFFMAN: Object to form.

16 BY THE WITNESS:

17 A. I would say you would need to ask the
18 chair of the suspicious order monitoring committee as
19 to the decision as to who should be members.

20 BY MS. CONROY:

21 Q. And that would be Robin Abrams?

22 A. Correct.

23 Q. She -- she made the decisions about who
24 would be on the committee?

1 A. She was the chair.

2 Q. And did she make the decisions as far as
3 you know about who -- who should be a member of the
4 committee?

5 A. I know that she made a decision that I
6 should be on the committee. I don't know how she made
7 decisions otherwise as to who should be on the
8 committee.

9 Q. Did you have occasion to consult with the
10 finance and -- and -- the finance department when you
11 had questions about a customer or one of the
12 wholesalers' customers?

13 A. It appears that the question here was
14 probably -- it appears that the question -- the
15 concern here was credit limits. And whether it was an
16 order for a gross of Senokot laxatives or prescription
17 medication, if an account was banging up against their
18 credit limit, finance would reach out to me and we
19 would discuss that. So the -- it appears the key
20 issue here for Dan Colucci was the line of credit.

21 Q. If you'd take a look at the second page of
22 the document, the e-mail from Dan Colucci to you and
23 others on June 5th of 2007, he says: "Steves,"
24 because there are -- there are two Stephens, I guess,

1 Steve Bishop and Stephen Seid?

2 A. Correct.

3 Q. "Steves, is it possible they would need
4 another 2 million in product?"

5 Do you see that?

6 A. Yes.

7 Q. You -- it's your understanding that he is
8 asking whether there is a -- whether they have a
9 credit issue?

10 A. Well, ultimately it relates to the orders
11 that they received from Anda and that they operated
12 successfully with an 800 line of -- 800,000 line of
13 credit. "Last week they placed an order for 1.682 for
14 their Ohio location."

15 And he goes on to say: "This was approved
16 with input from sales and then credit approved
17 following our approval SOP." And then he goes on in
18 the next paragraph talking about that Anda is
19 financially okay, so...

20 It appears that what triggered this was
21 his concern with the line of credit.

22 Q. So you believe that what was suspicious
23 about this order was whether or not they could pay for
24 the order?

1 A. I don't know if that was suspicious, but
2 it seems that -- I'm not aware of this. Again, an SOP
3 is that it indicates to me that he was concerned about
4 the size of the order because it was banging against
5 the credit limit and was looking for a clarification,
6 which it appears we gave him.

7 Q. I also see here that it says in the
8 very -- on the front page:

9 "In the last week we have received very
10 significant orders from Anda Pharmaceutical, a unit of
11 Watson Pharmaceutical, Inc. For the past two years
12 they've operated successfully with an \$800,000 line of
13 credit in similar exposures. Last week they placed an
14 order for 1.6 million for their Ohio location.
15 Virtually all of it was for OxyContin 40 and
16 80-milligram strengths."

17 Why would it matter what the item was if
18 this was just a credit issue?

19 A. I'd have to look at their SOP, if that had
20 anything to do with it.

21 Q. Would that matter to you? You were on the
22 suspicious order monitoring committee?

23 A. Yes, it would matter to me.

24 Q. What -- what would -- what would matter

1 about it?

2 A. Well, I -- as it indicates here,
3 Steve Bishop, who was responsible for the account, and
4 myself contacted Anda, asked them about the reasons
5 for the order, although I can't -- since this was from
6 11 years ago, I can't recall that conversation, and we
7 would try to ascertain the reason for the increase and
8 if it appeared to be due to account change or
9 distribution, a real -- a distribution reallocation,
10 because they had multiple location, if appropriate we
11 would let the -- if we felt it was appropriate, we'd
12 let the order proceed.

13 MR. HOFFMAN: Jayne, can I make a suggestion. I
14 don't think the witness has read the SOP yet. Maybe
15 if we give him two minutes to read it you guys could
16 get on the same page.

17 MS. CONROY: Absolutely not. He has never read
18 it. There is no reason for him to read it now. My
19 questions have nothing to do with something that he
20 has never had any involvement with.

21 MR. HOFFMAN: You -- you are not asking him how
22 the e-mail relates to the SOP?

23 MS. CONROY: I don't believe I am.

24 MR. HOFFMAN: Okay.

1 BY MS. CONROY:

2 Q. It sounds to me like you did evaluate at
3 some point in 2007 whether or not the orders were
4 suspicious, regardless of the credit issue, because
5 you weren't involved with the credit issue, correct?

6 A. I was involved with the credit issue in
7 the sense that before the order was released, the
8 credit line had to be increased.

9 Q. But that's not what you did, you didn't
10 have anything to do with that, right?

11 A. I had nothing to do with the credit.

12 Q. Right. What you did was you looked at the
13 reasons for the order, you contacted -- that's --
14 that's what you just told me, that you looked into it
15 and you contacted someone to find out why there was a
16 rise in demand at the Ohio facility, correct?

17 A. That would be what I expect I would have
18 done, yes.

19 Q. Well, doesn't it -- doesn't it infer that
20 you did that? It says here:

21 "Today, Stephens" -- "Steve Seid spoke
22 with Anda's buying group and they outlined their
23 reasons for the increased purchases below."

24 You wouldn't be talking to them about

1 their finances, you'd be talking about them --

2 A. Right.

3 Q. -- for the reasons --

4 A. Yes.

5 Q. -- for the order --

6 A. Yes.

7 Q. -- correct?

8 A. Correct.

9 Q. And so you were looking into whether or
10 not this was a suspicious order with respect to the
11 amount and the dose of the product that was -- that
12 was ordered, correct?

13 A. Correct.

14 Q. That didn't have anything to do with, as
15 far as you know, SOP 7.7?

16 A. I was looking into the reason for the
17 order based on Dan Colucci's request.

18 Q. And how did you interpret Dan Colucci's
19 request?

20 A. It appears the way I interpreted it is
21 that I contacted Anda's buying group and found out the
22 reasons for the increased purchases.

23 Q. And based on what you heard from Anda,
24 you -- you approved it, at least from your standpoint?

1 A. Correct.

2 Q. And then it was up to someone in finance
3 to approve it from the credit standpoint, correct?

4 A. I -- it appears that is correct.

5 Q. And would there have been any record in
6 the suspicious order monitoring database, any notes or
7 anything with respect to your contact with the Anda
8 buying group about this purchase and, you know, the
9 investigation that you did?

10 A. Other than this documentation --
11 documentation, I don't know.

12 Q. Would it have been your practice at the
13 time to go into the suspicious order monitoring
14 database and enter anything about this particular
15 suspicious order investigation?

16 A. That database is specific to pharmacies,
17 so documentation would be this type of com --
18 correspondence.

19 Q. So you would?

20 A. The documenta -- tation in the suspicious
21 order monitoring system relates to pharmacies. So
22 this document would be the kind of documentation we
23 would have on -- on file.

24 Q. So I'm -- I'm just not totally

1 understanding what you are saying to me.

2 So you would have put something about this
3 in the suspicious order monitoring database?

4 A. Not in -- we would keep a record of this
5 information via e-mail that the order was released,
6 but on the suspicious order monitoring system, that is
7 specific to pharmacies. And this would -- there would
8 not be -- we would not put this in that pharmacy
9 system.

10 Q. So the suspicious order monitoring
11 database is only -- is only about individual
12 pharmacies?

13 A. Right. We kept any record of questions of
14 orders to -- from wholesalers, that would be
15 documentation that was kept via correspondence and
16 retained.

17 Q. Correspondence like these e-mails?

18 A. Yes.

19 Q. And where would that be kept?

20 A. It would be kept electronically.

21 Q. Where?

22 A. In Purdue's -- on my laptop on -- in
23 the -- it would be archived in the Purdue system.

24 Q. Was it archived in any particular way,

1 were -- were there -- was there a file that was kept
2 for suspicious orders with respect to -- what would
3 you call this, a susp -- suspicious order with respect
4 to a wholesaler?

5 A. Yes.

6 Q. And did you have a particular place where
7 you kept all of the e-mail correspondence --

8 A. I don't --

9 Q. Let me finish.
10 -- concerning investigations --

11 A. Sorry.

12 Q. -- of suspicious orders?

13 A. I don't remember where it was kept.

14 Q. Is it possible that it was not kept in a
15 segregated fashion?

16 MR. HOFFMAN: Object to form.

17 BY THE WITNESS:

18 A. I can't -- I can't -- I can't speak to
19 that. I don't remember.

20 BY MS. CONROY:

21 Q. So just so that I understand, you don't
22 remember whether or not if you had this type of an
23 investigation with respect to a suspicious order from
24 a wholesaler, you don't recall if there was any

1 particular place where such correspondence was kept?

2 A. I don't remember.

3 Q. And that means that if two or three years

4 later another issue came up with Anda's buying in

5 Ohio, there would be no record that you could easily

6 refer back to to take a look to see if you would have

7 already investigated them about that?

8 MR. HOFFMAN: Object to form, foundation.

9 BY THE WITNESS:

10 A. We had no problem, at least as I remember,

11 going back and get -- getting previous document --

12 correspondence if it was needed.

13 BY MS. CONROY:

14 Q. But you had to use your memory to remember

15 about that, right?

16 A. No, not necessarily. You can certainly do

17 searches and -- and get the information because it was

18 primarily electronically.

19 Q. So who would -- what would you search?

20 A. I wouldn't do it. I'd ask somebody else

21 to do it.

22 Q. Who would you ask?

23 A. Either Steve Projansky or -- or my admin.

24 Q. Or who?

1 A. Or my admin, Cheryl.

2 Q. And did Steve Projansky have access to all
3 of your e-mails?

4 A. Although this was 2007, so it would be
5 Cheryl. She had access to all of my e-mails.

6 Q. And you would ask Cheryl to do a search?

7 A. Right, or a file search. We'd print out a
8 copy. It would be -- we had files for each of the
9 wholesalers, so there was data in there.

10 Q. Hard copy files?

11 A. Hard copy files.

12 Q. Would something like this have been
13 printed out and put in a hard copy file for Anda?

14 A. I don't know for sure, but it's possible.

15 Q. Were there any procedures in your
16 department that would lay out what Cheryl should do
17 with things like this?

18 A. I don't remember. I'd' have to speculate,
19 and I don't remember.

20 Q. And where is Cheryl now?

21 A. She is retired.

22 Q. Where does she live?

23 A. Connecticut.

24 Q. Do you know if someone took her position?

1 A. I don't.

2 Q. This e-mail concerns a distribution center
3 in Ohio?

4 A. Yes.

5 Q. Had you -- have you ever been to that
6 distribution center?

7 A. No, I haven't.

8 Q. Do you know where in Ohio it's located?

9 A. Not off the top of my head.

10 Q. Do you recall whether you had any
11 visibility at Purdue with respect to the customers of
12 Anda?

13 A. We had a fee-for-service agreement with
14 them, we're getting data from them.

15 Q. So you would be able to look at their
16 retail customs [sic]?

17 A. Yes.

18 Q. So if you wanted to, you could investigate
19 where the OxyContin 40 and 80-milligram strengths,
20 what retail outlets they went to?

21 A. Yes.

22 Q. Do you know if you ever did that?

23 A. As part of the system we did, yes.

24 Q. You mean just routinely you would know?

1 A. Right, routinely, yes.

2 Q. You don't know if you ever separately went
3 and looked at that?

4 A. I can't recall from 2007 -- '7 whether I
5 did that with this.

6 Q. And that data would be in the suspicious
7 order monitoring database, correct?

8 A. Correct.

9 Q. Would there be a reference to the fact
10 that those pharmacies were related to Anda?

11 A. There would be.

12 Q. But you would not be able to, for example,
13 see this -- this order placed by Anda in the
14 suspicious order monitoring database?

15 A. No.

16 Q. Only by retail pharmacy with a reference
17 to who the wholesaler was?

18 A. That's correct.

19 Q. Could you run a report on the suspicious
20 order monitoring database that would identify for you
21 just the Anda orders and their pharmacies?

22 A. Yes.

23 Q. And so that would -- that would give you
24 visibility as to what Anda was ordering, correct?

1 A. That's correct.

2 Q. And you would also know what -- not only
3 what Anda was ordering but what they were selling?

4 A. What they were selling, correct, and to
5 whom.

6 Q. And that data was available in 2007 if, in
7 fact, there was a fee-for-service agreement with Anda,
8 correct?

9 A. Correct.

10 Q. Is a fee-for-service agreement a separate
11 document from a distribution agreement?

12 A. It depends on, how can I put this, it's a
13 manner of nomenclature. Some pharmaceutical companies
14 call fee-for-service agreement dist -- distribution
15 management agreement.

16 We had three types of agreements. I think
17 we discussed this some yesterday. We had an
18 authorized distributor agreement, a fee-for-service
19 agreement, and a central dist -- distribution
20 agreement in the event that a wholesaler had a central
21 distribution center.

22 THE WITNESS: Excuse me.

23 BY MS. CONROY:

24 Q. So these are the three types of contracts

1 that I would find or I could find in the documents at
2 Purdue, correct?

3 A. Correct. The authorized distributor of
4 record is more an agreement than a contract, but...

5 Q. Why do you say that?

6 A. Well, it's -- it was produced stipulating
7 the basics of what a distributor needs to do to be a
8 distributor.

9 Q. Did you -- you referred to that as sort of
10 the baseline?

11 A. Right. That was entry into the door.

12 Q. Okay. And then after that, if there was
13 already an authorized distribution agreement, the next
14 step would be a fee-for-service agreement?

15 A. Generally, yes.

16 Q. And that would be a separate written
17 signed document?

18 A. That is correct.

19 Q. And then tell me what the central
20 distribution agreement is.

21 A. Accounts such as McKesson had a large,
22 efficient, central distribution center. So rather
23 than send their orders to 26 different locations, we
24 would send it to the -- what was known as the RDC, the

1 Regional Distribution Center, and they would then
2 break it out to their individual distribution centers.

3 Q. And so that required --

4 A. Yes.

5 Q. -- you talked to me about that yesterday
6 as being more secure for you and other things,
7 correct?

8 A. That's one shipment on the road as opposed
9 to 26 trucks with product.

10 Q. And that would also be a written agreement
11 with, for example, McKesson?

12 A. That would be an agreement, that would be
13 a contract, that would be a written agreement.

14 Q. Okay.

15 Would -- would you have been involved in
16 the negotiation or approving the negotiated -- the
17 negotiated terms on all three?

18 A. Yes, I would.

19 Q. And would I find all three contracts if
20 they existed in documents held at national accounts
21 and trade relations?

22 A. You should, yes.

23 Q. I was puzzled because I haven't seen any
24 fee-for-service -- fee-for-service agreements. I have

1 seen authorized distributor agreements and maybe even
2 a central distribution agreement, but I have not
3 actually seen a fee-for-service agreement.

4 A. I think you showed me --

5 MS. PORTER: Well --

6 BY MS. CONROY:

7 Q. Did I show you one?

8 A. Yes.

9 MS. PORTER: Oh, go ahead. I'm sorry.

10 BY MS. CONROY:

11 Q. Let me look back and -- at the exhibits.

12 All right. You can put that away.

13 (WHEREUPON, a certain document was
14 marked Purdue-Seid Deposition Exhibit
15 No. 017, for identification, as of
16 12/13/2018.)

17 BY MS. CONROY:

18 Q. Let me show you what I've marked as
19 Exhibit 17.

20 17 is PPLPC016000001102 through 04. It
21 actually appears this is more about the Anda situation
22 with the top e-mail from the 6th of June 2007, but I
23 think we've actually already seen the e-mails.

24 You send -- we've already seen this

1 e-mail. This is just part of the thread where you
2 explained the rise in demand at the Ohio facility and
3 call that the order be released.

4 Do you see that?

5 A. Yes.

6 Q. And was that typically how you would
7 memorialize the release of an order, in an e-mail?

8 A. Yes.

9 Q. And remind me who Charles Forsaith is?

10 A. Chuck Forsaith is the corporate director
11 of supply chain security.

12 Q. Did he sit on the suspicious order
13 monitoring committee?

14 A. No, he did not.

15 Q. Did anyone from supply chain security sit
16 on the committee?

17 A. Well, this is just at the beginning of --
18 I think this is before the committee was actually
19 fully operational because the gentleman who replaced
20 Aaron, Mark Geraci, was on the committee, so Charles
21 Forsaith's boss was on the committee. The person
22 who --

23 Q. Mark Geraci?

24 A. Mark Geraci.

1 Q. And he was in security?

2 A. He was the VP of corporate security and
3 Chuck, Charles Forsaith reported to him.

4 Q. Okay. You can put that away.

5 (WHEREUPON, a certain document was
6 marked Purdue-Seid Deposition Exhibit
7 No. 018, for identification, as of
8 12/13/2018.)

9 BY MS. CONROY:

10 Q. I'm going to look at Exhibit 18.

11 A. Thank you.

12 Q. This is a little bit more on this story.
13 It is PPLP 018000152012 through 15.

14 This is -- some of the e-mails will be
15 familiar to you at the beginning and the thread
16 continues. And if you look on the page that's stamped
17 013, there is an e-mail from Aaron Graham, also on
18 June 6th, to you and others, and he says:

19 "At the risk of stating the obvious, two
20 observations come to mind: 40-milligram and
21 8-milligram [sic] strengths are the most diverted,
22 misused and abused."

23 Do you agree with that statement? Do you
24 see it?

1 A. I'm sorry.

2 Q. Look on --

3 A. One more time.

4 Q. -- Bates No. 013 on the bottom right-hand
5 side of the page.

6 A. Yes.

7 Q. And then at the -- the bottom e-mail from
8 Aaron Graham at 5:11 p.m. on June 6th.

9 A. Um-hum, yes.

10 Q. Then he says: "At the risk of stating the
11 obvious, 40-milligram and 80-milligram strengths are
12 the most diverted, misused and abused."

13 Do you see that?

14 A. Yes.

15 Q. Do you agree with that statement?

16 A. Do I agree with Point 1?

17 Q. Correct.

18 A. There was abuse of 40 and 80.

19 Q. Do you agree that -- do you agree with
20 Mr. Graham that they are the most diverted, misused
21 and abused, those doses?

22 A. That's his area of expertise being the VP
23 of corporate securities, so that would be his
24 observation.

1 Q. Do you have a different observation?

2 A. It was significantly abused and -- not
3 significantly, but it was abused -- 40 and 80 were
4 misused and abused.

5 Q. Correct. I'm asking you if you agreed
6 with the vice president and chief security officer
7 that the 40-milligram and 80-milligram strengths are
8 the most diverted, misused and abused?

9 A. I don't know if, as compared to the other
10 strengths, if I could quantify that. They were
11 certainly attractive for their strengths to those who
12 would abuse, but I -- I can't say for sure that is the
13 case. Aaron would be the expert there, if he felt
14 that way.

15 Q. Would you rely on Aaron's expertise with
16 respect to what was the most abused, diverted and
17 misused strengths of OxyContin?

18 A. I would trust his judgment in most cases.

19 Q. So is there a reason you wouldn't agree
20 with that statement?

21 MR. HOFFMAN: Object to form.

22 BY THE WITNESS:

23 A. I -- I didn't make it, so it's -- it's
24 hard for me to agree to it, but -- based on what he

1 says here, but I certainly would agree that there were
2 issues with the 40 and 80-milligrams that related to
3 diversion, misuse and abuse.

4 BY MS. CONROY:

5 Q. Yes, I understand that. I'm trying to
6 understand if you had facts or other information that
7 would be contrary to what Mr. Graham believed were the
8 strengths that were most --

9 A. I --

10 Q. -- diverted, misused or abused?

11 A. I didn't have specific facts. And
12 certainly when we looked at abuse and diversion in
13 the -- in the SOMS system we focused heavily on 40 and
14 80 because they were the higher strengths.

15 Q. Did you find when you focused on those in
16 the -- in the SOMs that they were the most diverted,
17 misused and abused, those 40 and 80-milligram
18 strengths?

19 A. They were often an indication of issues as
20 it related to abuse and diversion.

21 Q. I understand that, but I'm asking if you
22 found that they were the most related to issues of
23 abuse and diversion?

24 A. I don't know if I -- I can say that, based

1 on that, I can say the most. They were certainly a
2 significant indicator, but I'd have to go back and
3 look at all of the data, but it was certainly an
4 ind- -- a significant indicator of the potential for
5 abuse and diversion.

6 Q. Do you have in your mind some different
7 strength that was more abused or misused?

8 A. I don't have my -- in my mind a -- a
9 different strength.

10 Q. But for you to have a -- but for you to
11 hold a belief as to which was the most diverted, you'd
12 have to go back and look at the data?

13 A. I would have to look specifically. He is
14 talking about Ohio and -- and the data and I'd have to
15 look at what was available.

16 Q. Well, I don't -- I don't know that he is
17 talking about Ohio there. You believe he is
18 talking -- that in Ohio the 40 and the 80s are most
19 diverted, misused and abused?

20 A. I don't know what he is talking -- he is
21 talking about. He mentioned Ohio as the highest rate
22 of pharmacy burglaries. I don't know if he is talking
23 about Ohio there.

24 Q. Do you agree that Ohio at the time had the

1 highest rate of pharmacy burglaries in the country?

2 A. I don't -- I don't know the statistics on
3 that.

4 Q. Would you have had any reason to doubt him
5 in June of 2007?

6 A. I would have had no reason to doubt him,
7 although I thought there were other areas that had
8 higher, but...

9 Q. What other areas did you believe were
10 higher?

11 A. I thought Massachusetts might be higher,
12 but he was the security -- security guy, so, and he
13 had his finger on that pulse.

14 Q. Then you received an e-mail from Howard
15 Udell about a half an hour later asking if you found
16 "Anda's explanation satisfactory? If so, do you think
17 that we need to ask them for some evidence to support
18 the explanation?"

19 Do you see that?

20 A. Yes.

21 Q. Was that typical to hear -- to have
22 questions like this from Howard Udell?

23 A. It was not usual for me to get those
24 questions from Howard, no.

1 Q. Did Mr. Udell have any involvement with
2 suspicious order monitoring that you were familiar
3 with at this time or was it Robin Abrams in your mind?

4 A. I don't know if he had delegated it to
5 Robin at that time or not. She doesn't appear to be
6 copied on this.

7 Q. Was she a part of the legal -- legal
8 office at that time?

9 A. Yes, she was.

10 Q. Then if you go to the front, you send an
11 e-mail at 6:00 p.m. on June 6th and you tell Mr. Udell
12 and others that you're "comfortable with Anda's demand
13 needs and explanation."

14 Do you see that?

15 A. Yes.

16 Q. And you say that: "They are an authorized
17 distributor of record."

18 That means they've signed a distribution
19 agreement?

20 A. Yes.

21 Q. Or -- or distributor agreement?

22 A. They have signed a distributor agreement.

23 Q. And then if you turn the page, you say:
24 "Let us not forget that Ohio is also a significant

1 market for appropriate patients."

2 Do you see that?

3 A. Correct.

4 Q. What -- how did you come to that
5 conclusion that Ohio was a significant market for
6 appropriate patients?

7 A. It was to my knowledge that there were
8 many patients who were taking OxyContin in Ohio that
9 would appear to be appropriate.

10 Q. And -- and how did you reach that
11 conclusion?

12 A. I don't remember how I reached that
13 conclusion.

14 Q. How would you have?

15 A. I would have looked -- from what I was
16 responsible for at that point was based on what the
17 ordering patterns of accounts were doing, the
18 wholesalers as it related to inventory in a specific
19 area, and that inventory management was based on the
20 concept that it was meeting the needs and the demand
21 for patients at the pharmacy level.

22 And it's also noted in there, and it says
23 that Ohio has lifted its Medicaid prior authorization
24 on OxyContin, which would -- would increase the

1 demand, and the reduction in the generic
2 reimbursement, and what the chain in the State of Ohio
3 that I had visited indicated to me that they would
4 fill Medicaid prescriptions with brand.

5 And based on those -- that information, I
6 felt that it was -- apparently I felt that it was
7 appropriate to release that order.

8 Q. Right. That was with respect to an
9 increased demand for the branded product OxyContin,
10 correct?

11 A. Correct.

12 Q. I'm asking how -- what information you
13 would use to determine that Ohio is also a significant
14 market for appropriate patients.

15 Appropriate patients, you mean patients
16 who need opioid for pain, correct?

17 A. For pain, correct.

18 Q. And so it wouldn't matter whether that was
19 generic or brand, correct?

20 A. Correct.

21 Q. So what information, other than the
22 ordering patterns of the accounts, would you look at
23 to determine that those patients who are taking
24 opioids in Ohio are appropriate?

1 A. I could not tell if the individual
2 patients were appropriate.

3 Q. You're just looking at it generally by the
4 ordering patterns?

5 A. I would look at it generally.

6 Q. And would you be looking at it generally
7 by the ordering patterns of the wholesalers?

8 A. I would be looking at it generally not
9 only by the ordering patterns of an individual
10 wholesaler, but as it relates to the overall market.

11 Q. And what do you mean by that?

12 A. I knew it is fairly easy to ascertain,
13 particularly since four large wholesalers -- three
14 large wholesalers were responsible for the bulk of the
15 business. And based on product used in general, I had
16 a good idea of the percentage that each account had,
17 there weren't that many accounts, of the volume of any
18 of our products by -- by brand and by strength, so I
19 could ascertain to a fairly strong degree what
20 percentage of the market a particular wholesaler
21 should have. It didn't vary too significantly.

22 Q. So would it be fair to say if the -- if a
23 wholesaler's volume was steady by brand and by
24 strength, you would then determine that the patients

1 they were serving were appropriate?

2 A. I would assume that it was appropriate,
3 they were ordering the appropriate amount of products
4 that -- their orders, and if for some reason their
5 market or their customers changed, we would factor
6 that in -- or I would factor that in.

7 Q. Okay.

8 If you'd look at the first page of this,
9 Chuck Forsaith forwards your -- this e-mail chain on
10 to Thomas Roepke, R-o-e-p-k-e, who is the manager of
11 corporate security at Watson Laboratories.

12 Do you see that?

13 A. Yes.

14 Q. Do you know who he is?

15 A. No.

16 Q. And he -- this was the next -- the next
17 day in the morning of June 7th and Chuck Forsaith
18 says:

19 "Doesn't sit well with me. I hope we
20 don't find ourselves up" with an asterisk "creek with
21 no paddle in sight."

22 Do you see that?

23 A. I --

24 MR. HOFFMAN: Object to the form. It is not

1 Forsaith who is saying that. It is the gentleman from
2 Watson.

3 MS. CONROY: Oh, I'm sorry. It's -- it is.

4 BY MS. CONROY:

5 Q. It is the manager of corporate security
6 sending it to Charles Forsaith at Purdue.

7 Had you ever heard any comments like that
8 from Watson Laboratories or Anda?

9 A. I did not hear that.

10 Q. And you don't recall Mr. Forsaith telling
11 you that?

12 A. I don't recall.

13 Q. You can put that one away.

14 (WHEREUPON, a certain document was
15 marked Purdue-Seid Deposition Exhibit
16 No. 019, for identification, as of
17 12/13/2018.)

18 BY THE WITNESS:

19 A. Thank you.

20 BY MS. CONROY:

21 Q. Exhibit 19 is an e-mail chain from --
22 beginning on the top from Jack Crowley dated
23 October 3rd, 2007, PPLPC004000132946 through 953.

24 Who is Jack Crowley?

1 A. Jack Crowley is the executive director of
2 CSA compliance.

3 Q. Executive director of controlled substance
4 compliance?

5 A. Yes.

6 Q. And was he a retired DEA agent?

7 A. Yes.

8 Q. And then this is a -- a -- a long e-mail
9 chain that you can take a look at, but you may -- you
10 may remember some of this, which is a lot of back and
11 forth about the executive audit committee and then
12 about suspicious orders.

13 Do you have any recollection of the
14 conversations that were taking place about suspicious
15 orders in the fall of 2007?

16 A. I don't have a recollection of this.

17 Q. Okay. If you take a look at your e-mail,
18 which is on Bates Page 950, and this was an e-mail
19 from you to Jack Crowley and others on September 25th
20 of 2007.

21 Do you see that?

22 A. I do.

23 Q. Okay. And you say:

24 "Let's make sure we take a step back and

1 look at the entire picture. Our goal is to assure
2 availability to appropriate patients while do our best
3 due diligence to assure appropriate channels of
4 distribution."

5 Do you see that?

6 A. Correct.

7 Q. And you have described to me just a few
8 minutes ago how you fulfilled that function, correct?

9 A. Correct.

10 Q. And then you say down a little bit
11 further:

12 "If the issue here is credit limits, that
13 is a different story. Then we hold due to that, not
14 based on suspicious orders."

15 Do you see that?

16 A. I don't.

17 Q. Look down a few paragraphs further in your
18 e-mail.

19 A. "If the issue here is credit limits that
20 is a different story. Then we hold due to that not
21 based on..."

22 Yes, I see that.

23 Q. And that would -- that would be something
24 that finance would determine, not you, correct?

1 A. Right.

2 Q. And then if you look at the e-mail that's
3 a response to yours from Dan Colucci, it starts on the
4 prior -- on the Page 949, Dan Colucci responds to you
5 on September 25th, and he says:

6 "Steve, Laura and I are not always
7 100 percent comfortable with the process from our
8 side. As Jack points out, the responsibility for this
9 process lies with finance. Based on the comments from
10 the conference that you may need to know your
11 customers' customers, Laura and I thought it best to
12 sit with Jack. We also both thought it was best as a
13 courtesy to invite you in case (a) Jack said we were
14 doing something wrong and you could hear and reply to
15 the ramifications, and (b) so you could bring your
16 expertise to the meeting as you did below."

17 Do you see that?

18 A. Yes.

19 Q. Do you have a recollection of being asked
20 to join with Jack Crowley to talk about becoming more
21 comfortable with the process?

22 A. I'm -- I don't recall this meeting.

23 Q. Okay. And then if you look at the first
24 page of the document, Exhibit 19, there is an e-mail

1 to everyone from Jack Crowley, which is a very long
2 e-mail, where he explains his position with respect to
3 suspicious orders?

4 A. Okay.

5 Q. Have you ever -- have you ever heard
6 Mr. Crowley give his -- his position with respect to
7 suspicious order reporting?

8 A. Have I ever heard Jack Crowley...?

9 Q. Give his opinions with respect to
10 suspicious order monitoring?

11 A. I don't know.

12 Q. Did -- did Mr. Crowley sit on the
13 suspicious order monitoring committee?

14 A. Yes.

15 Q. And did he ever talk about his views on
16 the way a company needed to act in conformance with
17 the Controlled Substances Act?

18 A. Jack reported to Robin Abrams and he
19 provided advice to her. I can't say I remember a
20 particular situation where Jack said, This is the way
21 we should do things. He may have, but I can't say I
22 remember him doing that.

23 Q. Okay. So you don't have any memory as you
24 sit here today of having any discussions with

1 Mr. Crowley about the way to -- about the processes
2 involved with suspicious order monitoring?

3 A. I'm sure over the years we discussed what
4 was going on, but if I -- I would be less than -- less
5 than able to tell you on a specific time, year, date
6 or occasion.

7 Q. Do you recall having a difference of
8 opinion with Mr. Crowley with respect to the reporting
9 and the timing of reporting suspicious orders?

10 A. I don't remember that, ever having a
11 difference with Jack.

12 Q. Did you ever have a difference of opinion
13 with anyone on the committee with respect to how
14 suspicious orders should be reported and the timing
15 and how to interpret the Controlled Substances Act?

16 A. I don't remember having any disagreement.
17 And I think, actually, it was very beneficial that
18 there wasn't a more significant commercial presence on
19 the committee because if there was ever an event where
20 I said, I think this is a great account, I was one
21 vote out of five or six and easily overruled.

22 So I think the way the committee was
23 established, that a purely commercial decision, a
24 disagreement from me from a commerce -- commercial

1 standpoint would be -- would be easily overruled.

2 Q. By --

3 A. And I would -- and I would accept that.

4 Q. By "commercial decision," you are talking
5 about if you took into consideration the business that
6 a particular order was bringing in to Purdue?

7 A. Well, when I say "commercial decision" --
8 "decision," I mean I was a commercial representative.
9 So I would just say an indi -- individual resent --
10 representing the commercial side of the business,
11 not...

12 Q. As opposed to corporate security?

13 A. As opposed to non-commercial.

14 Q. And even though you were on the commercial
15 side, you would investigate and report to the
16 committee things like whether or not patients were
17 appropriate for opioid therapy, correct?

18 A. More what I would report to committee were
19 my concerns.

20 Q. Or lack of concern?

21 A. Or if I thought that there was no issue
22 with the order.

23 Q. Right. A lack of concern about the order?

24 A. Or a lack of concern.

1 Q. Do you see where Mr. Crowley at the bottom
2 of the first page says: "The requirement is to report
3 suspicious orders, not suspicious sales after the
4 fact."

5 Do you see that? The very first page,
6 with the -- the one with the sticker on it.

7 And right at the bottom of the page, and
8 it's bolded, it says: "The requirement is to report
9 suspicious orders, not suspicious sales after the
10 fact."

11 Do you see that?

12 A. I see that line, yes.

13 Q. Do you agree with that statement?

14 A. I agree that that's the intention, yes.

15 Q. And do you agree that that is what Purdue,
16 that they reported suspicious orders to the DEA and
17 not sales after the fact?

18 A. Which suspicious orders are you talking
19 about?

20 Q. Any, just in general was that -- was that
21 your procedure to immediately report to the DEA any
22 suspicious orders that were flagged by the company
23 versus waiting, investigating, and then reporting to
24 the DEA after the sales had gone through?

1 MR. HOFFMAN: Object to form.

2 BY THE WITNESS:

3 A. The decision to report a suspicious order
4 was done by the committee. I was not the individual
5 and nor I -- did I work with any specific individual
6 to actually report to the DEA. I was not DEA facing,
7 if you will.

8 And since in that system with pharmacies
9 we don't see the orders before they are sales, so it
10 required to see the shipment from the wholesaler to
11 the retailer before we could do any type of
12 investigation.

13 BY MS. CONROY:

14 Q. Would you report to the DEA that a
15 wholesaler had shipped a suspicious order?

16 A. We would report to the DEA based on
17 previous testimony after investigation, analysis,
18 research, contact with our wholesale partners, orders
19 that we felt were -- or accounts, basically, who had
20 orders that we felt were suspicious, and based on
21 Robin's PowerPoint presentations, which we shared and
22 reviewed yesterday, that between I believe the dates
23 were 2008 and 2011 that 290 accounts were such
24 referred to the DEA.

1 Q. Yes. Out of 50,000 retail pharmacies,
2 correct?

3 A. Yes.

4 Q. And that was 390 instances -- or 290
5 instances, correct, where you identified?

6 A. 290 accounts that were reported.

7 Q. That were reported to the DEA.

8 My question is a little bit different.

9 What I'm asking is: As I understand it, you have
10 suspicious sales that are flagged by your suspicious
11 order monitoring database, correct, with the
12 algorithms you talked to me about yesterday?

13 A. That's correct.

14 Q. At that point someone has determined that
15 those sales are suspicious?

16 MR. HOFFMAN: Object to form.

17 BY THE WITNESS:

18 A. So --

19 BY MS. CONROY:

20 Q. I'm -- well, let me -- let me clarify
21 that.

22 A. Please.

23 Q. I know you are going to investigate them,
24 but you have flagged them as suspicious, correct?

1 MR. HOFFMAN: Object to form.

2 BY THE WITNESS:

3 A. The orders in the suspicious order
4 monitoring system are deemed of concern based on the
5 algorithm. So in that sense the algorithm flags
6 certain pharmacies as pharmacies that need to be
7 investigated with the poten -- potential that there
8 was -- the orders were of a suspicious nature.

9 But, again, we don't see the orders before
10 they are shipped. We can't -- if we -- the goal was
11 to take an educated, intensive investigation to make
12 sure those accounts that we referred to the DEA, which
13 is a serious action, and certainly can have and should
14 have ramifications on an individual or an entity if
15 they are a bad actor, then it would be referred to the
16 DEA.

17 But as I used -- and as an example
18 yesterday, that if we immediately sent to the DEA a
19 referral on a pharmacy across the street from H --
20 Memorial Sloan Kettering or MD Anderson or Boswell
21 Cancer Center in Buffalo, New York without doing our
22 due diligence to see if that may be appropriate
23 ordering, I don't think it would be fair to the
24 individual or the account. So we did not

1 automatically, without investigation, send the --
2 refer the orders to the DEA.

3 BY MS. CONROY:

4 Q. Correct. So when you identified
5 suspicious sales in this suspicious order monitoring
6 database, you did not report to the DEA at that time?

7 MR. HOFFMAN: Object to form.

8 BY THE WITNESS:

9 A. We did not immediately report.

10 BY MS. CONROY:

11 Q. Then you would investigate?

12 A. Correct.

13 Q. Did you contact the wholesaler when you
14 investigated?

15 A. Yes, we did.

16 Q. Did you determine at any point whether the
17 wholesaler was reporting to the DEA those pharmacies
18 that were -- that you had tagged as suspicious?

19 A. I would not be the one to do that, so I
20 can't say that -- whether that was done or not.

21 Q. Who would be the one to do that?

22 A. Jack usually was the one or Luis Bauza
23 would reach out to people on the wholesaler side.

24 Q. Is that B-o-u-z-a?

1 A. B-a-u-s-z-a? I don't know if he is on
2 here.

3 Q. I saw him somewhere, but we'll find it
4 later.

5 Or Jack Crowley?

6 A. Or Jack Crowley.

7 Q. Was there any method that -- that Purdue
8 had to determine whether or not the wholesaler was
9 doing its due diligence of the suspicious orders and
10 sales that you had identified at Purdue?

11 A. We, as I mentioned yesterday, tried to
12 work collaboratively to -- to help identify pharmacies
13 that may be an issue and we would provide any insight
14 or ideas or support that was appropriate to our
15 wholesaler partners, but I don't think, at least from
16 my perspective, we did an assessment of what the
17 wholesalers were doing or deemed what they were doing
18 appropriate -- as appropriate or inappropriate.

19 Q. Would you say you worked
20 collaboratively -- collaboratively with the
21 wholesalers to identify pharmacies that were
22 suspicious?

23 A. That was the goal of the collaboration
24 with the wholesaler.

1 Q. Okay. And did you work with all of the
2 wholesalers that were -- that had signed distributor
3 agreements with Purdue?

4 A. We tried -- we tried to work with all
5 wholesalers.

6 Q. And did they all work with you?

7 A. Yeah, I'd say pretty much.

8 Q. And so you would share the information you
9 had that -- of concern about particular pharmacies?

10 A. We would share the information of concern.
11 We wouldn't share any proprietary information that
12 might be approp -- inappropriate.

13 Q. Would you share enough information that --
14 that the wholesaler could identify the pharmacy?

15 A. I believe we would certainly share enough
16 information to help them identify an issue.

17 Q. Now, in the -- in the -- with respect to
18 the data that you were receiving from the wholesalers,
19 the data that Purdue had was the same data that the
20 wholesaler had, correct, with respect to the sales in
21 and out of the pharmacy?

22 A. No, that's not correct.

23 MR. HOFFMAN: Object to form, foundation.

24 BY MS. CONROY:

1 Q. What would they -- what would they have
2 that was not equal to what Purdue had?

3 A. They had only their sales to the pharmacy.
4 We had everybody's sales to the pharmacy.

5 Q. Would you share everyone's sales to the
6 pharmacy to an individual wholesaler?

7 A. We would not share -- since that is
8 proprietary information, as part of our agreements, we
9 would not share exact information, but we would say to
10 Wholesaler X that, although your shipments appear
11 appropriate and are meeting your parameters, which is
12 good, you are keeping an eye on the shop, the problem
13 is, is they are receiving product strength or product
14 brand or strengths from Wholesaler Y and Wholesaler Z
15 and they are receive -- receiving -- I'm obviously
16 making this up, this particular case -- is that they
17 are receiving orders three days a week from these
18 other wholesalers.

19 That would be a very important information
20 for our wholesaler partner because from their
21 standpoint they may believe that they are doing
22 exactly the right thing without the knowledge that we
23 were able to share with them.

24 Q. And when you would share that knowledge

1 with them, it would be their decision then whether to
2 suspend sales to that pharmacy based on the
3 information that they learned from Purdue about more
4 product going to that pharmacy from other wholesalers?

5 A. I can't ascertain what --

6 MR. HOFFMAN: Objection.

7 BY THE WITNESS:

8 A. I can't ascertain what the decisions of
9 other wholesalers or -- or a wholesaler would do,
10 whether they chose to suspend or restrict, but I know
11 they welcomed the input and support.

12 BY MS. CONROY:

13 Q. Right. I -- I -- that was my question.

14 You shared the information and as far as
15 you understood they welcomed receiving that
16 information?

17 A. As far as I'm --

18 Q. What -- what they did with it was not
19 something you could see?

20 A. Well, we could see if ship -- shipments
21 decreased, but --

22 Q. But you wouldn't know the reason?

23 A. We wouldn't know the reason, unless
24 they -- they may have told Jack or Luis, but...

1 Q. Would there be a record in the suspicious
2 order monitoring database if Jack or Luis was actually
3 having conversations with a wholesaler just about what
4 they would have said and when they had those
5 conversations to share particular information?

6 A. I believe we saw that yesterday in
7 previous testimony.

8 Q. That they put it in the database?

9 A. Correct.

10 Q. Okay. You can put that one away.

11 (WHEREUPON, a certain document was
12 marked Purdue-Seid Deposition Exhibit
13 No. 020, for identification, as of
14 12/13/2018.)

15 BY MS. CONROY:

16 Q. I'll show you what I've marked as
17 Exhibit 20.

18 Exhibit 20, PPLPC026000037881 through 883.
19 This is an -- the front sheet is a suspicious orders
20 meeting and then there are attached meeting minutes
21 from February 6th of 2008. And if you turn the page,
22 these are meeting minutes from a suspicious order
23 monitoring and reported -- reporting meeting, dated
24 February 6th, 2008.

1 Would this have been one of the quarterly
2 meetings you talked about?

3 MR. HOFFMAN: I'm sorry. I'll just object to
4 form because it indicates it is a rough draft, not the
5 final minutes, but go ahead.

6 BY THE WITNESS:

7 A. Yeah, this is a rough draft and I don't
8 see that I was cc'd on this.

9 BY MS. CONROY:

10 Q. Yes. I'm ask --

11 MS. CONROY: I object to any coaching the
12 witness with your objections. Just please give a
13 speaking objection -- don't give a speaking objection.

14 MR. HOFFMAN: I'm not coaching the witness. I
15 was just clarifying for the record what it was because
16 you said it was the minutes and it's not, it's the
17 rough draft.

18 MS. CONROY: I read what it was.

19 BY MS. CONROY:

20 Q. If you turn the page, I'm -- I'm going to
21 ask you if you were present at the meeting, not
22 whether you received the draft minutes.

23 A. It says I was present at the meeting. I
24 can't say I remember this meeting.

1 Q. Would this have been one of the quarterly
2 meetings you talked about?

3 A. This does not appear to be a quarterly
4 meeting.

5 Q. What kind of a --

6 A. It could have been.

7 Q. What kind of a meeting would this have
8 been, if you can tell?

9 A. I can't tell, but let's see. If I look at
10 it...

11 Jack calls it a suspicious order
12 monitoring reporting meeting. I don't know if this
13 was a group that got together just for a discussion on
14 suspicious order monitoring or it was a quarterly
15 meeting based on what's -- I haven't read the whole
16 thing, but based on what's indicated here, the only
17 thing I can say is it was a suspicious order
18 monitoring reporting meeting.

19 Q. Okay. And take a look at the attendees.

20 A. Um-hum. Yes.

21 Q. Are those typically the members of the
22 suspicious order monitoring committee?

23 A. Dan Colucci is not usually involved.

24 Jason Barnes, I'm trying to remember who Jason Barnes

1 was. Jason Barnes, Jason Barnes. I don't re -- I
2 remember the name. I don't remember what his function
3 was. Laura Watson wasn't typically a member of the
4 committee either, Chuck wasn't typically a member of
5 the committee or Aaron -- well, Aaron would be and
6 then his subsequent replacement Mark Geraci would be.

7 Q. Who was Laura Watson again?

8 A. She was director of customer service.

9 Q. She was not typically a member?

10 A. Not typically a member.

11 Q. Customer service would also hear
12 complaints from the field about suspicious pharmacies,
13 et cetera?

14 A. I don't know. That's an interesting
15 question. I don't know.

16 Q. It says the: "Objective of the Meeting:
17 To help our distributors to develop a program that we
18 can share data for our customers/customers relating to
19 suspicious orders."

20 Do you see that?

21 A. Yes.

22 Q. Do you have any recollection of ever
23 discussing developing that sort of a program?

24 A. We developed a program. And, again, I

1 don't know where Jack was coming from here and if in a
2 revision he may have said something like develop a
3 program, that we could develop a program that we can
4 share data with customers, but I'm not sure what --
5 I'm not sure what he meant by that objective, whether
6 it was an existing program or development of a
7 program. It would be purely supposition on my part.

8 Q. So you don't recall in February of 2008 if
9 you had a program that would help distributors that
10 you could share data for our customers' customers
11 relating to suspicious orders?

12 A. I don't remember how row -- robust it was
13 at that point.

14 Q. Do you know if you had one at all?

15 A. I don't remember.

16 Q. Didn't you tell me yesterday that as soon
17 as you had fee-for-service agreements signed that you
18 began to collect data that could --

19 A. We were able to see data, yes.

20 Q. And that would give you data with respect
21 to your customers' --

22 A. Right.

23 Q. -- customers?

24 A. Right. We gave -- but we -- as I

1 discussed yesterday, we utilized that data to form a
2 specific committee and build algorithms.

3 MS. CONROY: You need a break?

4 MR. STANNER: Yes.

5 MS. CONROY: Yeah, of course. Yep. Yep.

6 THE VIDEOGRAPHER: We are off the record at
7 10:41 a.m.

8 (WHEREUPON, a recess was had
9 from 10:41 to 10:56 a.m.)

10 THE VIDEOGRAPHER: We are back on the record at
11 10:56 a.m.

12 BY MS. CONROY:

13 Q. Just before we broke I was asking you
14 about the suspicious order monitoring committee, and
15 we were talking about fee-for-service agreements and
16 using that data to create algorithms to identify
17 suspicious orders.

18 Do you recall that?

19 A. I do recall that.

20 Q. And I think you told me yesterday that
21 there were some individuals who helped develop the
22 algorithm to flag suspicious orders in the
23 fee-for-service data?

24 A. Correct.

1 Q. And who are those individuals?

2 A. The individuals were in the IT department.

3 Q. So you don't need to -- so they would --

4 they were IT guys that were --

5 A. Who -- who crunched the numbers.

6 Q. Okay. And did you -- did you give them
7 the -- did you give them the parameters of what you
8 were looking for or was that someone else that would
9 help them to develop the algorithm?

10 A. We as a group would give them parameters.

11 Q. And do you recall what the parameters
12 were?

13 A. Things like volume, number of wholesalers
14 used, strengths versus other strengths, whether they
15 bought all Purdue products. I'm trying to think what
16 else in the data. Those are the -- all that come to
17 mind right now.

18 Q. And you would -- there'd be some threshold
19 level, and if it went over that level with that
20 criteria that was being put in, it would create a flag
21 on the -- on the file?

22 A. It would ping the system, yeah.

23 Q. And did you -- when the system was pinged,
24 did you just see a report that would come back and it

1 would identify them or did you get some sort of an
2 e-mail that actually said, Here is a specific pharmacy
3 that has just pinged the data, that has -- that has
4 just crossed over or flagged?

5 A. The chair of the committee would take the
6 report, identify pharmacies for -- I shouldn't say the
7 chair of the committee. The director of OMS, either
8 Betsy originally or Giselle as her replacement, would
9 see the data based on the report of what pharmacies
10 may have exceeded all criteria, some criteria, two
11 criteria, and create a list of those pharmacies for us
12 to review.

13 We would -- some of us would review them
14 before the meeting, certainly at the meeting, and then
15 establish what actions we were going to take.

16 Q. When that list of pharmacies that would be
17 prepared by the -- by either Betsy or Giselle, would
18 you conduct any investigation of your own before you
19 went to the meeting or would you wait, go to the -- go
20 to the suspicious order monitoring meeting and then
21 come up with a plan of action for each of those?

22 A. So you are asking if I was prepared for
23 the meeting?

24 Q. No. I'm -- I'm -- I'm really -- no. I'm

1 saying did you -- was -- was -- when you got that
2 list, did that mean you had to do something or did you
3 wait and go to the meeting and then make decisions
4 about what to do with that list?

5 A. I -- I tried to prepare before I went to
6 the meeting.

7 Q. So you would -- you would look up those
8 pharmacies that --

9 A. True.

10 Q. -- were on the list?

11 A. Right.

12 Q. If you'd turn the page from the draft
13 minutes.

14 A. 30?

15 Q. There are some bullet items. It says,
16 "Approximately 30 authorized distributors."

17 Does that sound about right to you?

18 A. No.

19 Q. How many do you think there were?

20 A. 12, 13, 14.

21 Q. And those were 12 to 14 that had signed
22 distributor agreements?

23 A. Who were -- agreements or ADR letters.

24 Q. Would you agree that the top three

1 distributors at this time were Cardinal, McKesson and
2 AmeriSource?

3 A. I would agree to that, even though two of
4 the three are spelled wrong, but still the top three.

5 Q. Okay. "Required to know our customer's
6 customer."

7 Do you see that?

8 A. Yes.

9 Q. Did you believe that there was a
10 requirement to know your customer's customer, that
11 would be the wholesaler's customers?

12 A. Correct.

13 Q. And did you agree that that was -- that
14 was required?

15 MR. HOFFMAN: Object to form.

16 BY THE WITNESS:

17 A. Based on the two letters which I believe
18 Jack references in this document and based on what was
19 in the literature of the time and meetings we
20 attended, that's the way we, and I think most of the
21 industry, expected or was -- we felt was the
22 expectation of the DEA.

23 BY MS. CONROY:

24 Q. Okay. And in order to know your

1 customer's customer, that's the next bullet point:

2 "How do we want to collect the information through
3 fee-for-service data?"

4 A. Yes.

5 Q. And it says: "Analysis of suspicious
6 orders 'do we have an obligation to report back to our
7 customers.'"

8 And that, I believe, is what you told me a
9 few minutes ago, that you would reach out to your
10 customers and share the information but without
11 identifying -- without identifying any proprietary
12 information?

13 A. That is correct.

14 Q. Down toward the bottom, it says:
15 "Steve/Robin will meet and follow up with a system
16 (policy) in place." And then there is another bullet
17 that says: "Develop a policy on a case-by-case
18 basis."

19 Do you see that?

20 Do you recall coming up with "a system
21 (policy) in place" with Robin?

22 A. I don't know where Jack was going on that.

23 Q. Okay.

24 Where it says: "Are able to obtain

1 approximately 97.5 percent data," is that a reference
2 to the data that could be seen as of 2008 through the
3 fee-for-service data?

4 A. I don't know where Jack was going there.
5 You'd have to ask him.

6 Q. Okay. The action item that says:
7 "Develop a order/policy to report 'suspicious orders'
8 to the DEA by e-mail or by phone," do you know if that
9 was ever created?

10 I know you were not the person that did
11 it, but do you know if that was ever created?

12 A. I do not.

13 Q. Okay. You can put that exhibit away.

14 (WHEREUPON, a certain document was
15 marked Purdue-Seid Deposition Exhibit
16 No. 021, for identification, as of
17 12/13/2018.)

18 BY MS. CONROY:

19 Q. I show you what's marked as Exhibit 21.
20 It looks like I don't have -- I don't have as many
21 copies of this, but I'll show it up on the screen.
22 Exhibit 21, PPLPC012000378036 through 037, and then
23 the rest of it is a native file.

24 And these are -- this is a May 30th, 2012

1 e-mail that is updating the Purdue committee charters
2 and it's attaching the committee charters. And if you
3 look to Page 45, there is a committee, "The Order
4 Monitoring System Committee."

5 Do you see that?

6 A. Yes.

7 Q. And it has a charter that: "Ensures a
8 comprehensive interdisciplinary effort to comply with
9 the Drug Enforcement Administration's (DEA) rules and
10 regulations and enhance our systems, review and
11 vigilance in the area of suspicious order monitoring."

12 Do you see that?

13 A. Yes.

14 Q. Do you agree that that's part of the
15 charter of the committee that you were on?

16 A. I had nothing to do with this charter.
17 Actually, this is the first time I've seen it, I
18 believe.

19 Q. Does it sound -- well, read -- read the
20 charter to yourself, and does it sound like what you
21 understand -- understood the order monitoring system
22 committee to be organized to do?

23 A. I think it's -- reflects -- ensures a
24 comprehensive --

1 I think it somewhat reflects what it was.

2 Q. Okay. And the members, does that look
3 right to you?

4 A. I'm surprised they left out Giselle.
5 Joan -- Joan was there, but she didn't -- she was more
6 a support person.

7 Q. This was -- if you look at the bottom, it
8 says "March 2009". It doesn't look like they
9 changed -- you know, it was -- they were attaching
10 everything in 2012, but is it possible Giselle became
11 more involved after March of 2009?

12 A. In actually 2009 it probably would have
13 been Betsy Adams, so I don't know if this -- it said
14 something in here about changes will be made as
15 needed, if this was one of those things where changes
16 needed to be made, there was a subsequent document,
17 but that was not necessarily all of the people who
18 attended the meeting.

19 Q. If you take a look at "Decision Rights,"
20 "Decides which accounts need further due diligence
21 analysis, which accounts to discuss with our
22 authorized distributors, when to conduct" -- "when to
23 conduct order monitoring system site visits and when
24 to report a particular account or order to the DEA as

1 suspicious."

2 Would you agree that your committee had
3 the right to do all of those?

4 MR. HOFFMAN: Object to form.

5 BY THE WITNESS:

6 A. I would -- the simplistic description of
7 it, but, yeah, I guess that would be.

8 BY MS. CONROY:

9 Q. It would be?

10 A. The -- the decision rights, for this
11 document it seemed to be an appropriate way to
12 describe it.

13 Q. Okay. And then the final sentence of
14 Decision Rights says: "The committee has the
15 authority to stop shipments to both wholesale and
16 retail accounts."

17 Do you see that?

18 A. I do see that.

19 Q. Do you agree that the committee had the
20 right to do that?

21 A. They may have the -- the right to do it.
22 It would be -- again, this is kind of a simplistic
23 description. I don't know what the goal of this
24 document was, other than to outline committees.

1 Again, I would -- if it was me I would phrase it
2 differently.

3 Q. Did the order monitoring system committee
4 have the authority to stop shipments to both wholesale
5 and retail accounts?

6 A. Well, we could stop wholesale shipments.
7 We couldn't stop retail shipments.

8 Q. Okay.

9 A. Since we didn't know about retail
10 shipments until after the fact.

11 Q. Could you have stopped continued retail
12 shipments?

13 MR. HOFFMAN: Object to form.

14 BY THE WITNESS:

15 A. We could have -- we could have recommended
16 to the wholesaler to stop shipping.

17 BY MS. CONROY:

18 Q. Did you ever do that?

19 A. We would make those recommendations where
20 appropriate.

21 Q. And the meetings, it says: "Meetings are
22 convened quarterly and as required."

23 Does that sound right?

24 A. Perhaps when he wrote this document, but

1 we would meet more often as needed.

2 Q. Well, it says that. "Con" -- "convene
3 quarterly and as required"?

4 A. Right.

5 Q. So that would cover that?

6 A. I don't know. Maybe when they were
7 establishing charters that quarterly was the way to
8 go. I don't know if that was ever the thought of this
9 committee initially, but that's what's in here.

10 Q. Because the committee met more often than
11 quarterly, is that --

12 A. Certainly.

13 Q. -- the case?

14 We can put that one away.

15 (WHEREUPON, a certain document was
16 marked Purdue-Seid Deposition Exhibit
17 No. 022, for identification, as of
18 12/13/2018.)

19 BY MS. CONROY:

20 Q. I'll show you mark -- what I've marked as
21 Exhibit 22.

22 A. Thank you.

23 Q. Exhibit 22, PPLPC004000279670 through 71.

24 And, actually, I'm not going to ask you

1 about the substance of this, but this says: "Order
2 Monitoring" -- "OMS Report, May 5th, 2011, Kabs
3 Pharmacy #5."

4 Do you see that?

5 A. Yes.

6 Q. This looks like a template to me.

7 Was this some sort of a template that
8 would be filled in with information about a particular
9 pharmacy that had triggered the suspicious order
10 algorithm?

11 A. Yes, it looks like a typical report.

12 Q. And who -- would you receive these reports
13 electronically or would you get a hard copy?

14 A. Sometimes both.

15 Q. And where would these reports be kept at
16 Purdue?

17 A. They would be kept in legal.

18 Q. At the -- in the legal department?

19 A. Yes.

20 Q. Would you receive these reports at the
21 time that you would receive the list of pharmacies
22 that had triggered the suspicious order algorithm or
23 is this something you would receive later?

24 A. They would generally come together.

1 Q. Okay. Would there be a report for each of
2 the listed pharmacies that triggered the algorithm?

3 A. There would be some type of report, even
4 if it was a template to get it going.

5 Q. Okay. And then if you look down,
6 Roman Numeral III, "OMS Investigation Activity," would
7 this inform -- would this information be filled in as
8 the investigation proceeded?

9 A. Yes.

10 Q. So national accounts input, that's what
11 you would -- you would add to this report with your
12 investigation?

13 A. I would add to this report.

14 Q. And that -- and that's where you would do
15 it where it says "National Accounts Input"?

16 A. Yes.

17 Q. And then --

18 A. Or -- or I would do it verbally and they
19 would put it in for me.

20 Q. Giselle would put it in for you? You have
21 to answer.

22 A. Yes.

23 Q. And that would be potentially at a
24 committee meeting?

1 A. Yes.

2 Q. At the bottom it says: "Prescriber
3 Information - Savings Card Data."

4 What is that about?

5 A. Well, it certainly points to the fact that
6 I forgot some things, but savings card data, for want
7 of a better term, or another term that's very common
8 is co-pay relief cards. You know, you see them in
9 those TV advertising as pay \$5 a month for your
10 whatever medication. Those are cards that take some
11 of the co-pay burden off of patients.

12 We had co-pay cards for our products and
13 this was a -- an added criteria that we added in
14 because we thought it was a good idea to see if a
15 particular pharmacy was utilizing or claiming payment
16 for these cards at an unusual level.

17 Q. Higher would be more suspicious than lower
18 use?

19 A. Higher use would be --

20 Q. And --

21 A. -- more suspicious.

22 Q. -- where does the -- where does the
23 savings card data come from? Is that in the
24 fee-for-service data?

1 A. No. That's from sales operations.

2 Q. Does that come from IMS data or some
3 version of IMS data?

4 A. You would have to ask the sales ops folks
5 how it was received and aggregated because generally
6 they came through a third-party vendor.

7 Q. Okay. You would see it in some sort of a
8 report at the committee level?

9 A. I did, yes.

10 Q. And savings cards or co-pay relief cards
11 were used for OxyContin, Butrans, Intermezzo, any of
12 the opioid products?

13 A. That is correct.

14 Q. You can put that document away.

15 (WHEREUPON, a certain document was
16 marked Purdue-Seid Deposition Exhibit
17 No. 023, for identification, as of
18 12/13/2018.)

19 BY MS. CONROY:

20 Q. Exhibit 23.

21 A. Thank you.

22 Q. PPLPC034000360255 through 266.

23 This is what appears to be meeting minutes
24 from the order monitoring system monthly meeting and

1 the OMS quarterly meeting agenda also attached. They
2 are minutes for -- from the December 16th, 2009
3 meeting and the final page is the agenda for the
4 upcoming January 28th, 2010 meeting. And you are a
5 recipient on January 28th of the meeting minutes and
6 the agenda from Jack Crowley.

7 Do you see that?

8 A. I see that.

9 Q. And if you turn the page, you have the OMS
10 monthly meeting, December 16th, 2009, 11:00 a.m.

11 Would that meeting have taken place in
12 Stanford at that time at the Purdue headquarters?

13 A. Yes, it would.

14 Q. And it lists the individuals there.

15 Robin Abrams, was she the director of the
16 meeting?

17 A. She was the chair. She was the -- in
18 charge of the meeting.

19 Q. Okay. Luis Bauza, Jack Crowley, Mark
20 Geraci, Gina Limer, yourself and Joan Zooper.

21 Do you see that?

22 A. Correct.

23 Q. And then it says here: "Robin provided
24 opening comments and asked the question: 'Are we

1 adequately managing this process?'"

2 She is talking about the order -- the
3 suspicious order monitoring process, correct?

4 A. Yes.

5 Q. "She challenged the committee to consider
6 whether or not we had the right expertise, were we
7 making timely decisions (since this process is handled
8 mainly as a collateral duty)."

9 Do you see that?

10 A. I see that.

11 Q. And by "collateral duty," she means that
12 everyone else on the committee has other corporate
13 duties as well, correct?

14 A. I would expect that this is Jack's
15 interpretation of what Robin said.

16 Q. You were at the meeting. Do you have any
17 reason to dispute that that's what she meant?

18 MR. HOFFMAN: Object to form.

19 BY THE WITNESS:

20 A. I don't remember this specific meeting.
21 I'm -- so I can only tell you what I know.

22 BY MS. CONROY:

23 Q. Any reason to doubt that the minutes are
24 correct?

1 A. There is no reason to doubt that. I'm
2 just telling you what I remember --

3 Q. Okay.

4 A. -- or don't remember.

5 Q. "Robin mentioned that we need to think
6 strategically and properly manage our data. Our
7 strengths are also our weaknesses. There don't seem
8 to be any updates, who's tracking what? Who owns it?
9 Robin mentioned that Ed Mahony felt the owner should
10 be Robin herself."

11 Do you see that?

12 A. Yes.

13 Q. Do you -- do you recall a discussion about
14 who is tracking what and who should be responsible?

15 A. Do I recall a discussion at this meeting
16 of that?

17 Q. Right. Or at -- maybe not at this meeting
18 in particular, but do you recall a discussion about
19 someone needed to own this issue?

20 A. I don't specifically remember a discussion
21 on who should own it.

22 Q. It says: "The Purdue owner will chair the
23 OMS committee meetings."

24 Do you see that?

1 A. Yes.

2 Q. Do you know what that means?

3 A. No.

4 Q. "Robin discussed with the committee a
5 meeting that was held with Ed Mahony, Russ Gasdia and
6 yourself regarding adding a FTE/Contractor to the
7 committee."

8 Do you see that?

9 A. Yes.

10 Q. Do you have any memory of that?

11 A. No.

12 Q. "In the meantime, we need someone to
13 manage the order monitoring system and be accountable.
14 It was suggested that Michael Car" -- "Carraturo
15 (senior manager, field incentives) would be a good
16 candidate. The key role for Michael would be," and
17 then he lists a number of things: "Tracking the
18 system; establish a paper trail (files in order);
19 number crunching and analysis; monitor - sales; work
20 with Joan on the SharePoint system; and marrying up
21 all of the data."

22 Do you see that?

23 A. I do see that.

24 Q. Do you recall this being an issue that

1 they -- you needed someone in to help to marry up all
2 of the data, track the system, all of those items?

3 MR. HOFFMAN: Object to form.

4 BY THE WITNESS:

5 A. This is the -- appears to me to be between
6 the time that Betsy Adams was supporting the committee
7 and Giselle Issa took the full-time role. I'm not
8 sure how much time Michael Carraturo, if any, spent
9 with this.

10 BY MS. CONROY:

11 Q. Do you know if anyone ever spent any time
12 with that?

13 MR. HOFFMAN: Object to form.

14 BY THE WITNESS:

15 A. Well, I was going to finish and say that
16 in that paragraph above the numbered bullets that it
17 is suggesting a full-time equivalent and/or a slash
18 contractor and that was, I guess, why they were
19 considering Michael, but ultimately it became Giselle
20 Issa who became the full-time equivalent.

21 BY MS. CONROY:

22 Q. So it was Giselle Issa that ended up
23 dealing with the six numbered items there?

24 A. Among other things.

1 Q. And where it says at the bottom there:

2 "We want to create a more disciplined schedule for
3 review and decision making. Everyone agreed that we
4 definitely need someone to own the system."

5 That would be Giselle?

6 A. My speculation, knowing Jack Crowley's
7 verbiage, would be what he meant by "own" there was
8 somebody who would be in charge of gathering the data
9 and putting it together and coordinating everything.

10 Q. Would that be Giselle Issa?

11 A. Ultimately it would have been Giselle
12 since that was her title, OMS director.

13 Q. Okay.

14 A. Or something along those lines.

15 Q. If you turn the page: "Mark stated that
16 we need to 'paper the world,' document the files
17 concerning interactions with wholesalers, and reports
18 and interactions with DEA where appropriate."

19 Do you see that?

20 A. Yes, I do.

21 Q. And those would be the files that were
22 kept in the legal department?

23 A. Perhaps. I'm not sure what Jack was
24 getting to there, but perhaps that would be the files

1 kept in the legal department.

2 Q. Well, the files that concerned
3 interactions with the wholesalers, reports and
4 interactions with DEA, would those types -- would that
5 type of information, if it was put in a file, be in
6 the legal department?

7 A. I would suspect it would be, yes.

8 Q. Anywhere else it would be?

9 A. I'm not sure. I don't -- not sure if some
10 of it would be -- since he is quoting Mark Geraci, I
11 don't know if some of that is in the corporate
12 security department or that it might be in the
13 corporate security department, or both.

14 Q. Okay. So the two places to look would be
15 the legal department and the corporate security
16 department?

17 A. I would -- I would think so.

18 Q. Okay. If you look next:

19 "Robin expressed one other idea. We need
20 to ensure that our files are in order, so that SOP and
21 procedures documents are up-to-date, so that we can
22 survive an inspection challenge by the government
23 (i.e. the Drug Enforcement Administration)."

24 Do you see that?

1 A. Yes.

2 Q. Are you -- do you know if there ever was
3 an inspection or challenge by the DEA?

4 A. Not that I'm aware of.

5 Q. Do you know if there was an attempt to get
6 your files up-to-date for that purpose?

7 A. For that purpose?

8 Q. In case there was a -- in case there was
9 an inspection or a challenge?

10 A. I can't say for that purpose. I can say
11 that the -- one of the reasons of getting a
12 coordinator was that everything was in order,
13 recorded, documented and kept up-to-date. I don't
14 know specifically it was -- the intention was for a
15 DEA inspection.

16 Q. Okay. And then Robin also advanced two
17 more agenda items:

18 "We will reach out to all other authorized
19 distributors that we have not had a face-to-face
20 meeting via teleconference and follow that up with a
21 letter."

22 Do you see that?

23 A. Yes.

24 Q. And it looked like you were -- you were

1 assigned that task.

2 Do you agree?

3 A. I agree it says I was assigned that task,
4 and I assume if I was assigned that task I did my best
5 to accomplish it.

6 Q. Do you know if you had an opportunity to
7 talk to all of the authorized distributors about
8 keeping up-to-date with suspicious order monitoring?

9 A. I know -- unrelated to this or just in
10 general?

11 Q. Just in general.

12 A. There was not a distributor we had that
13 supply chain security and suspicious order monitoring
14 was not discussed.

15 Q. Okay. So there was no one that -- that --

16 A. There was --

17 Q. -- did not have that dis --

18 A. There was --

19 Q. -- none of your other --

20 A. There was no one that was missed.

21 Q. And then it says -- she says:

22 "We need to amend our wholesaler contracts
23 to require that they have a comprehensive suspicious
24 order monitoring program and limiting their ability to

1 sell our products to other secondary distributors."

2 Do you see that?

3 A. Yes.

4 Q. Was that ever accomplished, to have a
5 contract that could lim -- that could limit their
6 ability to sell Purdue products to other secondary
7 distributors?

8 A. I haven't looked at those contracts in
9 five, five-and-a-half years, so I can't tell you
10 specifically if they are in there. I believe, but I'm
11 not positive, but I believe that limiting their
12 ability to sell to secondary distributors is part of
13 the authorized distributor agreement, and not being --
14 and I'm not -- since I can't guarantee it, because
15 I -- it's been a long time since I read it, but I
16 would be surprised if those two items weren't added.
17 The language may be different in some of the
18 contracts, but it would be the same concept.

19 Q. And those two items would be an authorized
20 distributor would need to have a comprehensive
21 suspicious order monitoring program and limit their
22 ability to sell Purdue products to other secondary
23 distributors, those are the two items?

24 A. Those -- that is correct.

1 Q. The comprehensive suspicious order
2 monitoring program, is that something that you would
3 have your eyes on, a wholesaler's suspicious order
4 monitoring program?

5 A. My eyes?

6 Q. Correct.

7 A. I would not have it on -- I would not
8 personally have it on their program.

9 Q. Could you, pursuant to the distributor
10 contract, could you audit their suspicious order
11 monitoring program?

12 A. As per previous testimony, we would meet
13 with our trading area partners -- I mean our
14 wholesaler partners and discuss policies and
15 procedures as related to suspicious order monitoring.

16 Q. Did you ever audit their suspicious order
17 monitor files?

18 A. I did not do it personally.

19 Q. Did someone --

20 A. So I -- if it was done, it would be from
21 another department. I would check with legal or
22 corporate security.

23 Q. Was there -- did Purdue have the right to
24 audit the suspicious order monitoring programs of its

1 authorized distributors?

2 A. Unless I had the opportunity to read
3 through a contract, I couldn't tell you.

4 Q. Do you have a -- do you have an -- I'm not
5 asking you about a specific authorized distributor.

6 Do you recall if there were any that there
7 were auditing rights by Purdue?

8 A. I don't remember.

9 Q. You do remember, though, that if there
10 were, it would be a different department that would do
11 that?

12 A. I don't remember that, but since much of
13 the interaction with the nuts and bolts of a
14 wholesaler's suspicious order monitoring system or
15 discussions about accounts was done by either Jack or
16 Lou Bauza, I would assume, but certainly cannot
17 guarantee, that it was -- since Jack reported through
18 legal and Lou reported through corporate security that
19 it would be one of those departments.

20 Q. And if there was an audit ability, that
21 would be in the distributor agreement, not the
22 fee-for-service agreement?

23 A. If there was something about auditing --
24 well, there is -- there -- to my recollection,

1 anything about auditing would probably be in the
2 fee-for-service because there was other things we
3 audited like chargebacks -- audited like chargebacks,
4 so I'm not -- I'm not sure where it would be. My
5 assumption was the fee-for-service is a good place to
6 look, but I'm not sure.

7 Q. And you negotiated the fee-for-service
8 contracts?

9 A. Yes, I did.

10 Q. But you don't recall if they had an -- an
11 audit ability?

12 A. I don't recall because many folks had
13 their eyes and contributed to the language in the
14 fee-for-service agreement.

15 Q. Was it something -- and so are you -- are
16 you telling me that it's something you would have put
17 in there but someone else may have taken it out down
18 the -- down the line?

19 A. That's not what I'm telling you.

20 Q. Okay. What -- what are you telling me?

21 A. I'm telling you that -- that the folks who
22 reviewed the document before it was submitted to the
23 account, and then subsequent to the submission,
24 because the accounts, rightly so, had the opportunity

1 to review the language in the document, adjust,
2 contest, add what they felt was appropriate in the
3 document. We would receive the document back and
4 counter, accept, revise. There were numerous people
5 in areas of expertise which I did not have which were
6 included in the fee-for-service contract that would --
7 would adjust that language all under legal review, of
8 course. And if they felt -- if they believed that
9 that area of expertise, which may have been audit, I'm
10 not sure, then I would negotiate and say this is what
11 we stand by.

12 Q. So is an audit function -- function
13 something that you as a committee member of the
14 suspicious order monitoring committee would have
15 wanted in a fee-for-service contract, whether or not
16 you got it or not?

17 A. I --

18 MR. HOFFMAN: Object to form.

19 BY THE WITNESS:

20 A. I don't -- I don't remember discussing
21 audits.

22 BY MS. CONROY:

23 Q. With a --

24 A. From -- from myself. Not that it was a

1 bad idea, but if you are asking me if I said that, I
2 don't remember saying it.

3 Q. Well, let me ask it this way then.

4 So -- so having the ability -- you having
5 the ability to audit a wholesale -- a -- an authorized
6 distributor, a wholesaler's suspicious order
7 monitoring program was not significant to you?

8 A. That's not what I said.

9 Q. Okay. Was it --

10 A. As --

11 Q. Let me -- let me ask you this, then.

12 Was -- was it significant to you to have
13 the ability to audit a wholesaler's suspicious order
14 monitoring program?

15 A. I don't remember if I discussed auditing
16 at that time. I knew it was important to me that we
17 engaged our wholesalers and discussed policies and
18 procedures where we could work together. If that is
19 an audit, then that would -- you -- you could call
20 that an audit, but that specific word I don't remember
21 saying.

22 Q. Okay. For clarity, I would not call that
23 an audit. I'm talking about an ability of Purdue to
24 go in and actually see the suspicious mon -- order

1 monitoring program in place at a wholesaler and -- and
2 see how the data was collected and -- and make some
3 assessment of the -- the quality of that data and of
4 that program.

5 Is that anything that you were ever aware
6 that Purdue was able to do with any of its authorized
7 wholesalers?

8 A. I don't know if it was done or not.

9 Q. Have you ever heard anything about that in
10 existence at all? Do you know anything about that?

11 A. I know that there was engagement with the
12 wholesalers from our staff with their staff and I
13 don't know if it was on an audit basis.

14 Q. So you don't know if Purdue's staff may,
15 in fact, have been able to audit some or all of the
16 wholesalers' suspicious order monitoring programs?

17 A. I do not know if it was -- they were
18 audited.

19 Q. No, my question is a little different.
20 Not whether they were audited. You don't know if
21 Purdue had the ability to audit?

22 A. I don't know that as a fact, no, that they
23 had the ability to audit.

24 Q. And where would I look to determine if

1 Purdue had the ability to audit a particular
2 wholesaler? Where would -- where would that -- where
3 would that information be?

4 A. Let's just say that Robin advanced this as
5 an agenda item. If, in fact, she required it, it
6 would have been added to the fee-for-service
7 agreements, so you -- you would look there. Again,
8 perhaps there was audit information in the corporate
9 security files that were specific -- specific audits,
10 but those are the places I can think of.

11 Q. Okay. So those would be the two places,
12 the legal department and corporate security?

13 A. That I would recommend, yes.

14 Q. You can put that document away.

15 (WHEREUPON, a certain document was
16 marked Purdue-Seid Deposition Exhibit
17 No. 024, for identification, as of
18 12/13/2018.)

19 BY MS. CONROY:

20 Q. Let me show you what I've marked as
21 Exhibit 24. So I guess all of the copies are in that
22 packet there.

23 Exhibit 24, PPLPC004000207529 through 30.
24 This is an e-mail from you to ValueTrak?

1 A. Yes.

2 Q. July 13th, 2009.

3 A. Yes.

4 Q. Do you see this?

5 A. Correct.

6 Q. And this starts with an e-mail from

7 ValueTrak, Monday, July 13th, at 1:42 p.m., 2009, to

8 you, and it says: "Item exceeds average."

9 Do you see that?

10 A. Yes.

11 Q. Is this an alert concerning something that

12 triggered a suspicious order over the algorithm at

13 Purdue?

14 A. Yes.

15 Q. And this would come directly to you from

16 ValueTrak as an e-mail?

17 A. Yes.

18 Q. And is this -- did it typically follow

19 this, the way this looks, it says: "The following

20 exception was generated based on an order number."

21 Do you see that?

22 A. Yes.

23 Q. And then it says: "Item on order exceeds

24 average order size." And then the trigger is an Item

1 Total of \$166,000, which is 162 units, on order and
2 then the order number exceeded the six-week average by
3 22.73 percent.

4 Do you see that?

5 A. Yes.

6 Q. So that -- that basically means that
7 whatever algorithm is in the -- is in the database, it
8 triggered it 22.73 percent over what was the average
9 in the database?

10 A. That's correct.

11 Q. And the trading partner is Smith Drug?

12 A. Correct.

13 Q. That's a pharmacy?

14 A. No. That's a wholesaler.

15 Q. So the trading partner is Smith Drug and
16 they are located in Valdosta?

17 A. I believe that was their -- a distribution
18 center.

19 Q. Okay. And it involved OxyContin
20 80-milligram tablets?

21 A. Yes.

22 Q. And where it says: "Average exceeded by
23 20 percent, order handling hold order," what does that
24 mean?

1 A. The trigger for the order alert was then
2 at the average exceeded 20 percent.

3 Q. And what does that mean "hold order"?

4 A. The hold order, the order had to be held
5 before -- until it was reviewed.

6 Q. And that review was you?

7 A. It was me at that time, yes.

8 Q. Okay. And then we see this came in at
9 1:41, 1:42 in the afternoon, and then you approved the
10 order just around five o'clock that afternoon,
11 correct?

12 A. Correct.

13 Q. Is that typical?

14 A. Is that typical for what?

15 Q. For the way you would operate, you
16 would -- you would get an e-mail like this and then do
17 whatever you do and then approve or not approve by
18 e-mail?

19 A. Yes. Correct.

20 Q. What would you have done in the interim
21 between quarter to 2:00 to 5:00 p.m. to -- to reach
22 your decision?

23 A. To reach my decision, I would look at
24 their ordering patterns, I would go beyond the

1 six-week average, I would look at the overall sales
2 for the account, I would look at if there are spikes
3 for various reasons, if it was a particular concern, I
4 would have the individual responsible for the account
5 contact the account and find out if there was any
6 business reason, meaning new account or anything that
7 would, you know, change in Medicaid to the area,
8 whatever, that would impact the ordering pattern.

9 Q. And I -- I take it at least in this
10 instance based on this -- based on your e-mail, you
11 were satisfied that the 22.73 percent increase was not
12 suspicious?

13 A. I was satisfied --

14 Q. And you --

15 A. -- apparently.

16 Q. Anyone else have to approve to release the
17 hold?

18 A. Not at that time.

19 Q. And by "that time," you mean in 2009?

20 A. Right.

21 Q. Did that change?

22 A. We added -- once I added Steven Projansky
23 to my team, he did a lot of the releases.

24 Q. Did anyone else have -- so could Steve

1 Projansky approve an order or did he have to get your
2 approval to let the order go through?

3 A. As I remember, once he was on board for a
4 while, he was allowed to approve.

5 Q. And so he could take some of the burden
6 from you?

7 A. I guess -- I don't consider it is a
8 burden, but, yes, he could take some of the
9 responsibility from me.

10 Q. Okay. There was no one -- you didn't have
11 to go to Robin Abrams or anyone else?

12 A. No, not in that situation.

13 Q. Okay. When you say "not in that
14 situation," what does that mean?

15 A. Because the procedure at that time was
16 that I was allowed to approve and release the order on
17 my own.

18 Q. Okay. And that's in July of 2009?

19 A. Yes.

20 Q. And did that change at any time up until
21 you retired?

22 A. The only major change, again, was the
23 addition of Steve, who was doing it --

24 Q. So --

1 A. -- basically full time.

2 Q. So either you or then ultimately Steve --

3 A. Right.

4 Q. -- had the final say with respect --

5 A. Correct.

6 Q. -- to whether an order would be

7 approved --

8 A. Correct.

9 Q. -- or not?

10 If the order was not approved, would it

11 go -- what would happen? Would it go through the

12 order monitoring committee?

13 A. Well, it depends on -- it was situational.

14 If, for whatever reason, there was something very

15 unusual, the account would be contacted. If it got --

16 if there was not a satisfactory answer from the

17 national accounts manager who was responsible for the

18 account, I would call the account myself. And then

19 there was occasion where I would say to the account,

20 we -- it is our intention to cut the order by

21 36 units, 24 units, and then we would release it.

22 (WHEREUPON, a certain document was

23 marked Purdue-Seid Deposition Exhibit

24 No. 025, for identification, as of

1 12/13/2018.)

2 BY MS. CONROY:

3 Q. Let me show you what I have marked as
4 Exhibit 25.

5 A. Thank you.

6 Q. PPLPC004000207523 to 524.

7 This is another one, it looks very
8 similar. This one, the trigger -- this is dated
9 Monday, July 13th. This comes in at 11:35 in the
10 morning. The trigger is an H.D. Smith that exceeds by
11 63.64 percent for OxyContin 30-milligram controlled
12 release tablets.

13 Do you see that?

14 A. Yes.

15 Q. And about a little under an hour later you
16 approved that?

17 A. Yes.

18 (WHEREUPON, a certain document was
19 marked Purdue-Seid Deposition Exhibit
20 No. 026, for identification, as of
21 12/13/2018.)

22 BY MS. CONROY:

23 Q. Take a look at Exhibit 26.

24 A. Thank you.

1 Q. PPLPC004000208240 to 241.

2 Monday, July 20th, 2009.

3 Would you get these sort of triggers every
4 day?

5 A. Some days I would get several, other days
6 I would get none.

7 Q. Would a week ever go by that you would not
8 get any triggers?

9 A. I don't -- I'm not sure, but my
10 expectation is that there would be at least one a
11 week. These -- this one and the one before is a small
12 number of units and OxyContin is packaged -- was
13 packaged all strengths in cases of 12 -- or multiples
14 of six, so this was -- they were -- it's a small
15 account that used to exist here in Chicago that was
16 ordering a small amount. The percentage seems high,
17 but basically it was to send them a full case because
18 we didn't sell individual units, or we tried not to
19 sell individual units.

20 Q. So would this -- something like this,
21 Exhibit 20 -- is this 25?

22 A. 26.

23 Q. 26. Something like Exhibit 26, you could
24 make a decision pretty quickly on something like this?

1 A. Something like that.

2 Q. Okay. And, in fact, you did. It took you
3 under two hours to make that decision, correct?

4 A. Correct.

5 (WHEREUPON, a certain document was
6 marked Purdue-Seid Deposition Exhibit
7 No. 027, for identification, as of
8 12/13/2018.)

9 BY MS. CONROY:

10 Q. Exhibit 27, PPLPC00400213649 to 650.

11 This is September 9th of 2009 and this
12 was, again, an e-mail from ValueTrak to you. This is
13 a trigger on what looks like a much larger order,
14 \$442,063, 408 units, and it was up about
15 146.26 percent for OxyContin 80-milligram controlled
16 release tablets.

17 Do you see that?

18 A. Yes.

19 Q. And this was, again, Smith Drug and this
20 was a quick approval in about 30 minutes.

21 Did you do any investigation to approve
22 this suspicious order?

23 MR. HOFFMAN: Object to form.

24 BY THE WITNESS:

1 A. I don't know. I assume I did, but I don't
2 know.

3 BY MS. CONROY:

4 Q. But whatever you did, you did it within
5 about a half an hour?

6 A. That's what it appears, yeah.

7 Q. And that's 146.26 percent on a large
8 order, that's not like the one we just looked at,
9 correct?

10 A. Correct.

11 Q. Which was just concerning a case?

12 MR. HOFFMAN: Object to form.

13 BY MS. CONROY:

14 Q. You have to answer verbally.

15 A. Correct.

16 Q. And this was a large order, correct?

17 A. Correct.

18 (WHEREUPON, a certain document was
19 marked Purdue-Seid Deposition Exhibit
20 No. 028, for identification, as of
21 12/13/2018.)

22 BY MS. CONROY:

23 Q. Exhibit 28, PPLPC004000214875. This was
24 H.D. Smith dated September 24th of 2009. This was an

1 order of 144 units oxy 80-milligram controlled release
2 and the trigger was -- trigger average was up by
3 133.41 percent.

4 Do you see that?

5 A. Yes.

6 Q. And this was approved in about ten
7 minutes, correct?

8 A. Correct.

9 Q. Do you have any understanding or memory of
10 what sort of investigation you would have done to
11 release this order?

12 A. I don't.

13 Q. Do you consider this a large order?

14 A. I'll -- for that account that was a pretty
15 large order, not exceptionally large, but a large
16 order. I mean a large order relatively, but...

17 (WHEREUPON, a certain document was
18 marked Purdue-Seid Deposition Exhibit
19 No. 029, for identification, as of
20 12/13/2018.)

21 BY MS. CONROY:

22 Q. Let me show you Exhibit 29,
23 PPLPC00400218107 through 108.

24 Exhibit 29 is a -- an order trigger on

1 October 27th of 2009 and the wholesaler is Cardinal
2 Health and this is a -- an order of OxyContin
3 15-milligram tablets controlled release that was up by
4 almost 95 percent over the average and this took you
5 about a minute to approve?

6 A. Um-hum.

7 Q. Two minutes.

8 You couldn't do any investigation in two
9 minutes, correct?

10 MR. HOFFMAN: Object to form.

11 BY THE WITNESS:

12 A. Other than what I knew of the account, no.

13 BY MS. CONROY:

14 Q. And what did you know of the account?

15 A. That this was the National Logistics
16 Center, this was products for all of their DCs, that
17 there was variability as to the orders that would go
18 to the NLC -- NLC because they were distributing to
19 24, 26 locations, so I would release this order. This
20 was the lowest strength of OxyContin.

21 Q. Did that make a difference to you, the
22 fact that it was the lowest strength of OxyContin?

23 A. Well, it was lowest strength and -- I
24 don't know other -- what other issues may have been --

1 I may have been looking at at the time. There could
2 have been an -- have out-of-stock situation previously
3 or -- I don't know off the top of my head.

4 (WHEREUPON, a certain document was
5 marked Purdue-Seid Deposition Exhibit
6 No. 030, for identification, as of
7 12/13/2018.)

8 BY MS. CONROY:

9 Q. I'm going to mark as Exhibit 30
10 PPLPC00400215590.

11 This is dated October 1st of 2009. This
12 is a McKesson RDC. Is that one of those --

13 A. Regional distribution centers, yes.

14 Q. Okay. And this is very large,
15 \$4.6 million, 14,256 units of OxyContin 20-milligrams.

16 Do you see that?

17 A. Yes, I do.

18 Q. And over by 76.1 percent. And you
19 approved this one in under an hour.

20 Would that be because it is an RDC?

21 A. One of the key factors, yes, it would be
22 an RDC.

23 Q. Is there a reason why you did not attempt
24 to change the algorithm in some way to -- to account

1 for RDCs and those issues?

2 MR. HOFFMAN: Object to form, foundation.

3 BY THE WITNESS:

4 A. As I recollect, I'm not sure why we didn't
5 change it, but I remember saying to the folks -- no, I
6 shouldn't say I remember saying to the folks in
7 customer service, but that's certainly one of the
8 things I thought about was I'd rather have the
9 responsibility of looking at the order rather than
10 changing the algorithm just so it would pass my eyes
11 one more time, there would be one set -- more set of
12 eyes on it before it was released rather than just
13 upping the algorithm.

14 Q. And -- and that's because even though it
15 was an RDC or for some other reason, it may still be
16 suspicious to you, correct?

17 A. Right, so I wanted the opportunity to put
18 one more set of eyes on it.

19 Q. The issue of chargebacks, are they -- is
20 that something that would be in the fee-for-service
21 agreement or in the distributor agreement or both?

22 A. Would you be more specific on chargebacks?

23 Q. Sure. Let me -- I -- I think you need to
24 explain to me, I'm going to mark as the next

1 exhibit 31.

2 (WHEREUPON, a certain document was
3 marked Purdue-Seid Deposition Exhibit
4 No. 031, for identification, as of
5 12/13/2018.)

6 BY MS. CONROY:

7 Q. This is something that you are not on
8 but --

9 A. Then since it may take a -- a minute for
10 me to look at, can we take a break?

11 Q. Sure.

12 A. Okay. Thanks.

13 THE VIDEOGRAPHER: We are off the record at
14 12:03 p.m.

15 (WHEREUPON, a recess was had
16 from 12:03 to 12:13 p.m.)

17 (WHEREUPON, certain documents were
18 marked Purdue-Seid Deposition Exhibit
19 No. 032 and No. 033, for
20 identification, as of 12/13/2018.)

21 THE VIDEOGRAPHER: We are back on the record at
22 12:13 p.m.

23 BY MS. CONROY:

24 Q. Mr. Seid, while you were employed by

1 Purdue, did you ever communicate using a personal
2 e-mail and not your corporate e-mail?

3 A. I didn't have a personal e-mail until I
4 retired.

5 Q. Okay. That makes it easy.

6 Have you ever been convicted of a crime
7 yourself?

8 A. No.

9 Q. If you would take a look at Exhibit 32,
10 this is an e-mail dated November 10th of 2010, and
11 it's talking about, if you look at the bottom, it's
12 Steve Bishop from Michael Kody about Butrans and then
13 it goes up to you, but it's talking about a
14 one-page Word version of the information that you
15 would like to include in the fax blast:

16 "We will send the document to
17 approximately 7,000 customers and bill Purdue \$8,400."

18 Do you see that?

19 A. Yes.

20 Q. And this is an example of the type of
21 promotion that would be carried out by
22 AmerisourceBergen on behalf of Purdue and then
23 Purdue -- then AmerisourceBergen would bill Purdue for
24 that, correct?

1 MR. HOFFMAN: Object to form.

2 BY THE WITNESS:

3 A. So this was starting with Kody to Steve.

4 And there is no attachment with this, it talks about a
5 list that was attached.

6 BY MS. CONROY:

7 Q. I don't have the attachment, but what I'm
8 asking is do you see Michael Kody is at
9 AmerisourceBergen?

10 A. Yes. You know, I just want to get the
11 full understanding of what was -- this is about.

12 Yes, this looks like an approved document
13 that was distributed under a marketing program by
14 AmerisourceBergen that we paid for.

15 Q. Thank you. You can put that away.

16 Take a look at Exhibit 33, which I'm just
17 going to ask you -- it looks pretty thick, but I'm
18 just going to ask you about it. I see that it is
19 dated April 16th of 2014 and there is a -- a Purdue
20 meeting scheduled with AmerisourceBergen the next day?

21 A. Yes.

22 Q. That's up on the subject line.

23 And would this -- would this be the type
24 of meeting that was -- or an example of a presentation

1 that would be given to a wholesaler concerning the
2 suspicious order monitoring program?

3 If you take a look on Page 3 of the slide
4 deck, that might help you.

5 A. Yes, this looks like a -- one of a series
6 of meetings shortly before I retired. And it does say
7 on the -- Points of Discussion, Collaboration, Purdue
8 OMS Update, et cetera.

9 Q. And then on Page 3 it says:
10 "Collaboration Efforts. Supporting authorized
11 distributors with their order monitoring" --

12 A. Um-hum.

13 Q. -- "system programs in an effort to limit
14 diversion while ensuring access for appropriate
15 patients."

16 Do you see that on the slide itself on
17 Page 3?

18 A. I just want to see, those look like
19 speaker notes to me.

20 Q. Right. And do you just see on Page 3 it
21 has the Slide No. 3?

22 A. Yes, I see that.

23 Q. Do you see the language there:

24 "Collaboration Efforts. Supporting authorized

1 distributors with their OMS programs in an effort to
2 limit diversion while ensuring access for appropriate
3 patients."

4 Do you see that?

5 A. Yes, I see that.

6 Q. And this would have been part of the
7 presentation that you would have given to
8 AmerisourceBergen the next day?

9 A. It would be part of a presentation that I
10 attended with AmerisourceBergen.

11 Q. And would --

12 A. I -- I'm not necessarily the speaker.

13 Q. Okay. And then if you take -- is it -- is
14 it fair to say that these presentations would have
15 been conducted with other wholesaler distrib --
16 distributors as well --

17 A. They would --

18 Q. -- this sort of -- of presentation?

19 A. This sort of presentation would be done
20 with other wholesalers.

21 Q. And you would have been present?

22 A. I would have been present.

23 Q. Okay. You can put that away.

24 The Exhibit 31 looks to me like a

1 teaching -- a teaching Level 150 on institutional
2 contracts that was conducted by Christine Ostrowski.

3 Do you see that?

4 A. Yes, I see that.

5 Q. And I have a question about -- the best
6 way to get to it is if you look at the Bates at the
7 bottom, 744 is what I would like to look at.

8 A. 744.

9 Q. Actually, we can even go to 7 -- 743
10 first. It has a -- it has a -- has a diagram.

11 Do you see that?

12 A. Yeah.

13 Q. Are you familiar with this process? Is
14 that something you would have understood as head of
15 national accounts and trade relations?

16 A. I was certainly familiar with it.

17 Q. Would you have been aware of the pricing
18 differences and the chargebacks between wholesalers
19 and Purdue or would that be a different department?

20 A. That would be a different department.

21 Q. So the scorecard that you would look at
22 with respect to a wholesaler, that would not -- would
23 that have chargebacks on it?

24 A. No.

1 Q. And what about managed care rebates or
2 Medicaid or Medicare rebates, would that be anything
3 you would deal with in national accounts?

4 A. That was not me. That was not national
5 accounts. I'm sorry.

6 Q. Okay. Was this anything -- would the --
7 was the kind of information concerning a GPO contract
8 that may have op -- been in operation at Purdue,
9 versus distributor pricing, anything to do with your
10 suspicious order monitoring tracking system? Would
11 it -- would -- would the GPO contract be of any
12 interest to you in determining whether or not an order
13 was suspicious?

14 A. Well, if a product was on a GPO contract
15 or a wholesaler was awarded an additional GPO
16 contract, it might be a factor in whether the -- or if
17 it lost the GPO contract, it might be a factor as to
18 what the order should look like.

19 Q. Would you -- would you be able to see
20 whether or not there was a GPO contract in effect or
21 is that something you would learn through
22 investigation -- internal investigation at Purdue?

23 A. I -- that department was operated
24 separately and very efficiently. If there was an

1 issue with one of my wholesalers or one of our
2 wholesalers, the folks at -- involved with the
3 contracts and rebates would reach out to me.

4 MS. CONROY: Thank you. I have no further
5 questions at this time.

6 Oh, maybe I do?

7 Oh, I do. I'm sorry.

8 (WHEREUPON, a certain document was
9 marked Purdue-Seid Deposition Exhibit
10 No. 034, for identification, as of
11 12/13/2018.)

12 BY MS. CONROY:

13 Q. I gave you -- I just want to put on the
14 record, I gave you exhibit -- what is that exhibit in
15 front of you?

16 A. 34.

17 Q. 34 is the -- is your personnel file that
18 was provided to us. I don't have more copies. I
19 think there is one copy of that. So that's marked and
20 on the record.

21 And just for the record, I'm going to mark
22 as exhibit -- I'll put them in a folder, Exhibit 35,
23 my Elmo notes so we have them for the record.

24 A. I assure you I don't want to read this.

1 Q. Yeah, it's very solid.

2 (WHEREUPON, a certain document was
3 marked Purdue-Seid Deposition Exhibit
4 No. 035, for identification, as of
5 12/13/2018.)

6 MS. CONROY: Thank you, Mr. Seid.

7 THE WITNESS: Thank you.

8 MS. CONROY: I'm just going to put a clip on
9 these.

10 THE VIDEOGRAPHER: We'll go off the record at
11 12:23 p.m.

12 (WHEREUPON, a recess was had
13 from 12:23 to 1:33 p.m.)

14 THE VIDEOGRAPHER: We are back on the record at
15 1:33 p.m.

16 EXAMINATION

17 BY MR. STEWART:

18 Q. Mr. Seid, I am Mike Stewart and I
19 represent some Plaintiffs in Tennessee.

20 A question, you had talked -- do you
21 recall during this -- your testimony that you have
22 talked periodically about Purdue's order monitoring
23 system?

24 A. Yes, I have.

1 Q. And that's a system that covers order
2 monitoring across the United States?

3 A. Yes.

4 Q. Is your testimony regarding the order
5 monitoring system applicable to how it works in all of
6 the states?

7 A. I'm not sure I understand.

8 Q. I guess my question is, you know, I'm
9 representing people in Tennessee, and I'll assume from
10 the way you've described the order monitoring system
11 that it generally applies to Tennessee in the same way
12 it applies to every other state?

13 A. It would be applied, yes, the same across
14 the board.

15 Q. Generally speaking, when you've been
16 talking about Purdue's national policies in your
17 deposition testimony, have you been talking about
18 policies that apply across the board, across the
19 United States?

20 A. Policies were consistent.

21 Q. So it's -- you don't have policies that
22 treat Tennessee differently from other states?

23 A. No. We wouldn't do that.

24 (WHEREUPON, a certain document was

1 marked Purdue-Seid Deposition Exhibit
2 No. 036, for identification, as of
3 12/13/2018.)

4 BY MR. STEWART:

5 Q. I'd like to start out with an exhibit.
6 I'll hand the witness a document which we've already
7 seen, which is --

8 MR. HOFFMAN: Is that from yesterday's?

9 MR. STEWART: Yes. It is from the 30(b)(6)
10 deposition.

11 BY MR. STEWART:

12 Q. Do you recognize that document?

13 A. Yes, from yesterday.

14 Q. And can you read the exhibit sticker, what
15 exhibit is it?

16 A. Seid 36.

17 Q. Yes.

18 And what is Exhibit Seid 36?

19 A. It looks to be a slide presentation.

20 Q. And what -- what is -- what is the
21 presentation of?

22 A. The title of the presentation is: "Order
23 Monitoring System (OMS): A Manufacturer's
24 Perspective."

1 Q. And I think you testified this
2 presentation that you are looking at is one that you
3 actually attended, fair?

4 A. Yes.

5 Q. And remind us who Robin Abrams is?

6 A. Robin Abrams -- Abrams -- Robert --
7 Robin -- sorry.

8 Robin Abrams is the vice president and
9 associate general counsel at Purdue.

10 Q. And what was her relationship to the order
11 monitoring system?

12 A. She was the chair of the order monitoring
13 system group.

14 Q. That put her essentially, is it fair to
15 say, in charge of the order monitoring system at
16 Purdue?

17 A. I would say that's fair.

18 Q. And can you turn to the -- they are not
19 page numbers, but can you turn to the next page of the
20 PowerPoint presentation that you are looking at?

21 A. Yep.

22 MR. STANNER: Do you have a screen or put it up
23 on the Elmo?

24 MR. STEWART: We have so many versions.

1 MR. HOFFMAN: You know what, Mike, I think we
2 might have a problem because yours is double sided and
3 it looks like ours are single sided and every other
4 page is skipped. Because I have 3, 5, 7, 9.

5 THE WITNESS: I was just going to say the same
6 thing.

7 MR. STEWART: Well, first of all, you all have
8 copies, theoretically, but let's go off the record for
9 a moment and just fix that right now.

10 THE VIDEOGRAPHER: We are off the record at
11 1:36 p.m.

12 (WHEREUPON, a recess was had
13 from 1:36 to 1:45 p.m.)

14 THE VIDEOGRAPHER: We are back on the record at
15 1:45 p.m.

16 BY MR. STEWART:

17 Q. Mr. Seid, we are back on the record. And
18 just to keep things clear, can you look on the
19 document you've got and confirm that you've got
20 Exhibit 36 in front of you?

21 A. That's what I have.

22 Q. Okay. Can you turn to the second page of
23 this PowerPoint presentation?

24 A. I am there.

1 Q. And this is the Robin Abrams PowerPoint
2 presentation you've already testified about today?

3 A. Correct.

4 Q. And do you see a -- this slide is entitled
5 "Mission of the Purdue OMS Program"?

6 A. Yes.

7 Q. What does "OMS" stand for?

8 A. Order monitoring system.

9 Q. If we talk about an OMS program, can we
10 agree today that we are talking about the order
11 monitoring system?

12 A. Yes.

13 Q. And do you see that at the bottom of this
14 slide there is a statement: "Reporting of suspicious
15 ordering to DEA, other law enforcement, or state
16 licensing boards, as appropriate."

17 Do you see that?

18 A. Yes.

19 Q. That is listed as a mission of the Purdue
20 order monitoring system -- OMS program?

21 A. That's what it says on the slide.

22 Q. Okay.

23 Question: Can you explain when, per the
24 OMS program, a suspicious order would be reported to

1 law enforcement as opposed to the DEA?

2 A. I really don't know the distinction there.

3 Q. Okay. You've got the DEA.

4 Do you know what the DEA is?

5 A. Yeah, I understand that. I don't
6 understand -- I know that there were individuals who
7 were in contact with local law enforcement and I know
8 that Robin put this in the slide and I am not sure why
9 she put it with reporting of suspicious order
10 monitoring.

11 Q. With regard to the OMS program, were you
12 on the OMS committee?

13 A. Yes, I was.

14 Q. And Robin Abrams was the chairwoman of
15 that committee, correct?

16 A. Correct.

17 Q. And the OMS committee would make the
18 decisions about referrals to the DEA?

19 A. DEA.

20 Q. Is that right?

21 A. Yes.

22 Q. And if we talk about the DEA today, we are
23 talking about the US Drug Enforcement Administration,
24 is that fair?

1 A. Yes.

2 Q. So, to be clear, did -- did -- do you
3 recall the OMS committee ever referring a pharmacist
4 to law enforcement other than the Drug Enforcement
5 Administration?

6 A. I don't recall it. I can't say it wasn't
7 done or it was done or not -- it was done or not done,
8 but I don't recall it.

9 Q. You are on the OMS committee from its
10 inception to -- until the time you retired, is that
11 fair?

12 A. That's fair.

13 Q. You retired in when?

14 A. May 2014.

15 Q. Okay. So when we are talking about what
16 you remember, you can certainly speak with regard to
17 the OMS program for the period that you were on the
18 OMS committee, is that fair?

19 A. That's correct.

20 Q. Do you recall the OMS committee ever
21 referring a pharmacist or medical provider or anybody
22 else to a state licensing board?

23 A. I don't.

24 Q. Direct your attention to the next page of

1 this PowerPoint presentation that is Exhibit 36.

2 Do you see that this is a PowerPoint slide
3 that is entitled "The History of the Purdue OMS
4 Program"?

5 A. Yes, I see that.

6 Q. And was the OMS program instituted after
7 the DEA demanded that manufacturers start conducting
8 independent analysis and exercise due diligence to
9 confirm the legitimacy of orders and to scrutinize
10 suspicious circumstances?

11 MR. HOFFMAN: Object to form.

12 BY THE WITNESS:

13 A. Yes.

14 BY MR. STEWART:

15 Q. Now, if you could move two pages forward,
16 I'd like to move to a page entitled "OMS Information
17 Sources."

18 Do you see that?

19 A. I do see that.

20 Q. Okay. What is this slide telling the
21 viewer?

22 A. It's telling the viewer that there were
23 various sources of information utilized by the OMS.

24 Q. Was there any legal limit on the sources

1 that the OMS committee could review in its discretion?

2 MR. HOFFMAN: Object to form.

3 BY THE WITNESS:

4 A. Was there any legal limit?

5 BY MR. STEWART:

6 Q. I'll tell you what. Strike that. Let me
7 rephrase it.

8 The -- the DEA directed that Purdue use
9 due diligence to try to ferret out diversion, fair?

10 MR. HOFFMAN: Object to form.

11 BY THE WITNESS:

12 A. The DEA -- if you read the letters of
13 September 2016 or December 2017, what the letters
14 specifically say, and I'm doing this from memory,
15 is -- I shouldn't say specifically then. I'm doing
16 this from memory.

17 But what the letters say is that
18 distributors of opioid products are required under
19 Sections USC 823 and more specifically under
20 1301.74(b) to develop and implement a suspicious order
21 monitoring system.

22 In one of those two letters, and I forget
23 which, perhaps in both, it says the -- something along
24 the lines of the type and form of that committee,

1 there will be no specific recommendations by the DEA
2 as to the form and type of that committee and it is
3 the obligation of the -- the manufacturer or
4 distributor, as they called it, to develop that.

5 MR. HOFFMAN: I'm sorry. Mike, can I -- go
6 ahead. Go ahead.

7 MS. PORTER: I was just going to pause.

8 You said 2016 and 2017. I just wanted
9 to --

10 THE WITNESS: Sorry.

11 MS. PORTER: -- check with you on the -- on the
12 years.

13 THE WITNESS: Sorry about that.

14 MS. PORTER: Before we get too far down the
15 road.

16 THE WITNESS: Yes, I did. I'm sorry.

17 BY THE WITNESS:

18 A. It was 2006 and 2007.

19 BY MR. STEWART:

20 Q. And --

21 A. Sorry about that.

22 Q. Your -- your counsel answered my next
23 question.

24 So -- so the point is what the DEA -- the

1 DEA didn't -- didn't send out a precise framework,
2 they assigned a duty to Purdue and then Purdue's order
3 monitoring system was developed to fulfill that duty
4 to use due diligence and care to try to ferret out
5 diversion, fair?

6 A. Fair that it's not just Purdue but anybody
7 who is a distributor was required to do that.

8 Q. And -- and so when you are talking about
9 the information that -- information sources that
10 Purdue would use as part of its OMS system, those are
11 information sources that are not -- that are simply
12 information available to Purdue that it can use to
13 fulfill this mission, they are not req -- in other
14 words -- strike that.

15 Purdue, I take it, and the OMS committee
16 specifically, will use whatever information is at hand
17 to fulfill the mission of using due diligence to find
18 diversion, fair?

19 MR. HOFFMAN: Object to form.

20 BY THE WITNESS:

21 A. Purdue would use whatever information was
22 available and seek other resources as we refined the
23 activities of the -- the committee.

24 BY MR. STEWART:

1 Q. And are the items listed on the slide
2 that's part of Exhibit 36, the slide you are looking
3 at right now --

4 A. Yes.

5 Q. -- entitled "OMS Information Sources"?

6 A. Yes.

7 Q. Are those all types of information that,
8 in fact, the OMS committee felt it could look at?

9 MS. PORTER: I think you are on the wrong page.
10 Here.

11 BY THE WITNESS:

12 A. I think, since this was not my
13 presentation and I'm going to give my assumption here,
14 is that these points were fleshed out and that there
15 were probably sub points underneath these would --
16 that would uncover more granularity as to various
17 aspects of the sources.

18 For example, when it's talking about the
19 second bullet of "IMS outlook prescriber data and
20 sales ops outlier analysis," there would be other
21 things underneath that, I would assume, that would be
22 presented, so that this is a broader overview.

23 BY MR. STEWART:

24 Q. But I take it the board -- or the OMS

1 committee within Purdue recognized that
2 fee-for-service data was a good source of information?

3 A. Yes, they did.

4 Q. And if we talk today about FFS data, can
5 we agree we are talking about fee-for-service data?

6 A. Yes.

7 Q. And I think you testified, tell me if I'm
8 wrong, that that's the data that you would purchase
9 from distributors to gain insight into what Purdue
10 products were being sold to particular pharmacies?

11 A. Only as far as clarification goes, and I
12 guess you could call it purchased, the fee-for-service
13 data was a -- a byproduct of agreements we signed with
14 the wholesalers and we were paying them a fee for
15 certain activities, and one of them was providing the
16 data.

17 Q. And the fee-for-service data allowed you
18 to determine what Purdue products, take, for example,
19 OxyContin, were sold by what pharmacy in the
20 United States, fair?

21 MR. HOFFMAN: Object to form. Overly broad.

22 BY THE WITNESS:

23 A. I'm sorry. Could you do that one more
24 time?

1 BY MR. STEWART:

2 Q. Sure.

3 I take it the fee-for-service data that
4 Purdue used would allow the OMS committee to look at
5 how much of a given product, Purdue product was sold
6 at a given pharmacy or other outlet in the
7 United States, fair?

8 MR. HOFFMAN: Object -- object to form, overly
9 broad.

10 BY THE WITNESS:

11 A. Yes.

12 BY MR. STEWART:

13 Q. And what about IMS outlet/prescriber data
14 and sales ops outlier analysis, is that also a source
15 of data that was available to the OMS committee?

16 A. Yes.

17 Q. And is this the IMS data that would show
18 prescribers prescribing habits with respect to Purdue
19 Pharmaceuticals and other pharmaceuticals?

20 A. That was not -- I was more familiar with
21 the data we were providing, but, I mean, my department
22 was providing the fee-for-service, but that would be
23 included in that data.

24 Q. And then you've got sales force reports of

1 concern.

2 Was that another area of information that
3 the OMS committee could draw upon?

4 A. Yes.

5 Q. And these were reports from the Purdue
6 sales force of potential diversion and other
7 concerning activities, is that fair?

8 A. Yes.

9 Q. And what about prescriber program
10 information, can you tell me what -- what that means
11 in the context of Ms. Abrams' presentation?

12 A. I'm not sure what she meant by that.

13 Q. Do you have a hunch?

14 A. No.

15 Q. We'd have to ask Ms. Abrams, I take it?

16 A. Yes.

17 Q. What about government agencies/law
18 enforcement, how would you normally draw information
19 from government agencies and law enforcement?

20 A. Well, that was basically done through the
21 legal department and state government -- state
22 government affairs -- and corporate security based on
23 contacts they had.

24 As previously testified, we had an

1 executive director of CSA compliance and we also had a
2 very extensive corporate security department that
3 include investigators. They had developed over time
4 relationships in particular with local law enforcement
5 in some areas that they would utilize. They are our
6 contact.

7 State licensing boards generally was from
8 public information and doing research. Legislative
9 contacts, you would have to -- I don't know what Robin
10 meant in there and I didn't have any personal
11 legislative contacts, so I couldn't tell you.

12 Q. Did -- did the OMS committee receive
13 information from government agencies, law enforcement
14 on a case-by-case basis?

15 A. I don't know how they received it.

16 Q. Well, when you were on the OMS committee,
17 did you receive a report every month or periodically
18 outlining law enforcement events that were germane to
19 the OMS mission?

20 A. There would be an individual from,
21 generally, corporate security, the responsibility of
22 Mark Geraci and Lou -- Lou Bauza, who was also on the
23 committee, and if there was pertinent law enforcement
24 information, they would provide it.

1 Q. When you say "pertinent law enforcement
2 information," are you saying pertinent to a
3 particular -- a particular file or a case that came
4 before the OMS committee?

5 A. Yes.

6 Q. I guess my question is a little different.
7 Did you OS -- did the OMS committee
8 receive reports that purported to describe law
9 enforcement activities related to drug diversion
10 across the United States?

11 A. I can't answer that.

12 Q. Can you answer whether you received it
13 when you were on the committee?

14 A. What I saw was law enforcement reports
15 pertinent to a particular customer we were reviewing.

16 Q. Do you know whether Purdue in any of its
17 departments systematically reviewed records of arrests
18 relating to drug diversion?

19 A. The only thing that I was aware of that
20 would somewhat relate to that was a service that
21 Purdue provided to the pharmacy community called
22 RxPATROL.

23 Q. What was RxPATROL?

24 A. RxPATROL was a information resource to

1 pharmacies and law enforcement, primarily focused on
2 thefts and robberies in a particular area. That was
3 provided to -- or the access was provided to licensed
4 pharmacists and law enforcement.

5 Q. Do you know if Purdue in any of its -- any
6 of its departments systematically reviewed arrests of
7 pharmacists for misuse of pharmaceuticals, drug
8 diversion and the like?

9 A. I know that certainly in related --
10 relation to the activities of the OMS committee that
11 the -- not only the arrests, but complaints to
12 pharmacy boards were reviewed.

13 Q. So the OMS committee would re -- would
14 review arrests, but I think I heard you say that would
15 be in the context of a specific case, is that fair?

16 A. Generally a specific case.

17 Q. And when you were reviewing state
18 licensing board action, that would, again, at the OMS
19 committee level be with respect to a specific case you
20 are looking at?

21 MR. HOFFMAN: Object to form.

22 BY THE WITNESS:

23 A. Yes.

24 BY MR. STEWART:

1 Q. Do you know whether Purdue systematically
2 reviewed arrests of pharmacists in the United States
3 to determine whether they related to drug diversion?

4 A. I don't know if they did or they didn't.

5 Q. Do you know if Purdue systematically
6 reviewed arrests of physicians, nurse practitioners
7 and other prescribers to determine whether or not
8 those arrests were related to drug diversion?

9 A. I don't know if they did or they didn't.

10 Q. Do you know if Purdue ever reviewed
11 systematically records of state licensing boards for
12 pharmacists, physicians, nurse practitioners, and
13 other healthcare providers?

14 A. I don't know if they did or they didn't.

15 Q. You have the FFS data on the slide we are
16 looking at. Could it be used to determine what
17 prescribers were acquire -- were prescribing, the
18 pharmaceuticals that a pharmacy was -- was selling?

19 A. The FS -- FFS data in itself?

20 Q. Yes.

21 A. Could not.

22 Q. Do you know of data that could show that,
23 that could link the prescriber to the pharmacy?

24 A. The prescriber data that was listed in

1 Point 2.

2 Q. You'd look at the IMS data to figure out,
3 okay, at this particular pharmacy, this is the doctor
4 that's ordering this amount of OxyContin,
5 80-milligram, fair?

6 A. Fair.

7 Q. And that would be true not just for
8 80-milligram OxyContin but for all Purdue prescription
9 products, fair?

10 A. Yeah, that's correct.

11 Q. I'd like to turn your attention to the
12 next page, and do you see it's entitled, and this is
13 still the Robin Abrams PowerPoint that's Exhibit 36,
14 do you see the next page is entitled "Prescriber
15 Versus Dispenser"?

16 A. Yes, I do.

17 Q. And do you see it says: "Prescriber
18 program: Focus is on the prescriber and Rx
19 history/patterns."

20 Do you see that?

21 A. Yes, I do.

22 Q. What is the prescriber program that is
23 referred to by Ms. Abrams here on this slide?

24 A. I believe -- I believe what she refers to

1 here is a focus on the individual prescriber, their Rx
2 history as it relates to that product and the patterns
3 that develop from that history.

4 Q. And here we are talking about IMS data
5 that provides that, fair?

6 A. It looks to be IMS data.

7 Q. And then it says -- she says: "OMS:
8 Focus is on dispenser/pharmacist and ordering
9 history/patterns," right?

10 A. Yes.

11 Q. And what she says for -- and OMS, here we
12 are talking about the use of -- of the data that you
13 purchase that I think we have been referring to as FFS
14 data, fair?

15 A. That's correct.

16 Q. And do you see that Ms. Abrams in her
17 PowerPoint says: "Sharing of signal detection
18 information between OMS and prescriber programs," she
19 talks about that?

20 A. Yes.

21 Q. She says that that sharing of signal
22 detection information between OMS and prescriber
23 programs "enables us to consider prescriber and
24 pharmacy issues within particular geographic area."

1 Do you see that?

2 A. I do see that bullet point.

3 Q. Do you see Ms. Abrams also says: "Sharing
4 of signal detection information between OMS and
5 prescriber programs results in more robust information
6 shared with internal (e.g., risk management) and
7 external (e.g., authorized distributors) partners."

8 Do you see that?

9 A. I do see that bullet point.

10 Q. Now, can you tell me, having been on the
11 OMS committee from its inception until you left Purdue
12 in 2014, how did this sharing process work?

13 A. So, you are referring to the second bullet
14 point under the third main bullet, correct?

15 Q. I'm referring to the third main bullet and
16 the subparts, I'm referring to the sharing of signal
17 detection information between OMS and prescriber
18 programs.

19 How did that work in the OMS committee?

20 A. I am -- I believe what she is talking
21 about here as it relates to our authorized distributor
22 partners is that we have information that is
23 individual -- we have -- Purdue had individual --
24 information at a time that was related to individual

1 prescribers in a given geographic area that could be
2 beneficial to one of our -- or a particular wholesaler
3 partner as it relates -- related to a potential issue
4 that resulted in prescriptions that impacted pharmacy
5 or pharmacies of concern.

6 Q. Is what you are saying that you could look
7 at IMS data to find prescribing practices that seemed
8 to suggest diversion and that might be used to ferret
9 out diversion at the pharmacy level?

10 A. It could be -- it could be beneficial in
11 helping to understand what was going on at the
12 pharmacy.

13 Q. Did -- did you see in your experience on
14 the OMS committee situations where pharmacies and pill
15 mills would be linked?

16 MR. HOFFMAN: Object to form.

17 BY THE WITNESS:

18 A. We saw situations where there were
19 particular prescribers that were influencing
20 particular pharmacies.

21 BY MR. STEWART:

22 Q. And -- and when you talk about particular
23 subscribers influencing particular pharmacists, I take
24 it given we are talking about the OMS committee that

1 you are saying influencing them in the context of drug
2 diversion?

3 MR. HOFFMAN: Did you mean prescribers, Mike,
4 just so we are clear?

5 BY MR. STEWART:

6 Q. I'll tell you what, I'll strike that
7 question.

8 Did -- did you mean with your previous
9 testimony to talk about prescribers influencing
10 pharmacists with respect to drug diversion?

11 A. There -- yes, there may be particular
12 prescribers that may be of concern that were sending
13 significant prescriptions to a particular pharmacy.

14 Q. When -- when you would review a case
15 involving a pharmacist to determine whether to report
16 the pharmacist to the DEA for diversion, would you
17 also on the OS -- MS committee look at the prescribers
18 in the geographic area around that pharmacist to see
19 whether they were also engaged in diversion?

20 A. We would look -- first of all, let me
21 correct you if I may. That we didn't refer
22 pharmacists, we referred pharmacies. I'm sure the
23 byproduct of the referral, once the DEA got it, was
24 the pharmacist was involved or the owner or both.

1 But we would look at whatever factors we
2 needed or we felt was beneficial to ascertain whether
3 that particular pharmacist -- pharmacist was doing
4 something that was untoward.

5 Q. Well, was there a standard procedure,
6 though, that established that once a pharmacist was
7 referred to the DEA that there would be an
8 investigation of prescribing patterns in the area
9 where that pharmacist had functioned?

10 MR. HOFFMAN: Object to form.

11 BY THE WITNESS:

12 A. I don't -- I am -- don't know and cannot
13 testify to what additional actions would have been
14 done after that. The focus of the OMS and the focus
15 of that committee was to uncover suspicious orders.

16 As previously testified to, we utilized
17 data such as prescriber data at -- that we had
18 available, but to answer your question, I am -- I am
19 not the person to ask if that was then done
20 afterwards.

21 BY MR. STEWART:

22 Q. You are not the person to ask because you
23 don't know?

24 A. Well, I'd guess, I don't know, that's why

1 I'm not the person to ask.

2 Q. Are you familiar with the -- with the term
3 "region zero"?

4 A. Yes, I am aware of region zero.

5 Q. What's region zero with respect to
6 Purdue's business operations?

7 A. I will give you what I know about it, but,
8 again, I will give the caveat that there are others
9 who have much more experience than I have and
10 knowledge, so they would be better resources.

11 But region zero, as I understand it, are
12 physicians that our reps were prohibited from calling
13 on, were not -- I don't believe they were compensated
14 for. I'm pretty confident they weren't compensated
15 for, and because of the fact that they were considered
16 to be potential div -- diverters.

17 Q. Did Purdue ever analyze region zero
18 providers to see whether they used particular
19 pharmacies?

20 MR. HOFFMAN: Object to form, foundation.

21 BY THE WITNESS:

22 A. I don't know if they did that
23 independently of the OMS, but certainly if we were
24 looking at a particular account and a specific area

1 and there was a region zero doctor or doctors in that
2 area, it would influence our decision on the pharmacy.

3 BY MR. STEWART:

4 Q. But I guess my question is when you were
5 on the OMS committee, did you ever see a report at
6 Purdue that reflected a study using algorithms or some
7 other method to -- to use the existence of region zero
8 prescribers in an area to find pharmacies engaged in
9 diversion?

10 A. I recollect a study that was done, and I
11 think may even -- shared, that looked at various
12 datas -- data to areas of the country that might be
13 areas of concern.

14 Q. What study was that?

15 A. I don't know the exact name of the study.

16 Q. Tell me how -- everything you know that
17 can help me identify the study.

18 A. I was aware that that study was discussed.
19 I don't know if that was part of what was called
20 "radars." It might have been. But it was
21 epidemiological study of the areas and I'm not sure
22 who -- whose or what department is responsible for it.

23 Q. And you are not sure whether that focused
24 on region zero doctors or not, fair?

1 A. Fair. I'm not sure. I would assume that
2 that information would have been included, but I'm not
3 sure.

4 Q. Maybe I put -- I take it from your
5 testimony that it wasn't a standard practice when
6 materials were being assembled for the OMS committee
7 to put in the materials an analysis that would
8 evaluate region zero doctors in the area.

9 MR. HOFFMAN: Object to form.

10 BY MR. STEWART:

11 Q. Is that correct?

12 MR. HOFFMAN: Object to form.

13 BY THE WITNESS:

14 A. I think we have to go back to the purpose
15 of the OMS committee.

16 The OMS committee was designed to monitor
17 and look for suspicious orders and the data used of
18 all types were focused on those accounts. So I don't
19 remember a particular case where, and it may have
20 happened, but I don't remember it, that somebody came
21 in and said, Well, in this area of Chicago in the
22 Wicker Park/Bucktown area there are 17 pharmacies and
23 11 doctors that are relate -- related to a region
24 zero. I don't remember it.

1 BY MR. STEWART:

2 Q. Do you think that's something you would
3 remember if it had happened?

4 A. That's an interesting question. I
5 don't -- I don't know if it's something I would
6 remember.

7 MR. STEWART: And I'll tell you I'm going to ask
8 him in a moment about Exhibit 19, you may want to pull
9 that out, but for now I'd like to turn to the next
10 page of the PowerPoint.

11 BY MR. STEWART:

12 Q. Do you see there is a page entitled "OMS
13 Process"?

14 A. Yes.

15 Q. And do you see that it lists a series of
16 bullet points and it -- it says: "Outlets with orders
17 outside the normal range based on algorithm"?

18 A. Yes.

19 Q. And do I remember correctly that the first
20 pass of -- of information that would bring pharmacies
21 to the OMS committee's attention would be study of FFS
22 data using algorithms, is that fair?

23 MR. HOFFMAN: Object to the form.

24 BY THE WITNESS:

1 A. The first thing that would bring a
2 pharmacy to the attention of the committee would be
3 based on this series of algorithm -- algorithms, this
4 is what you are asking?

5 BY MR. STEWART:

6 Q. Yes.

7 A. Okay.

8 Q. Is that fair?

9 A. That's fair.

10 Q. And is an outlet the same as a pharmacy
11 when we are talking about the OMS process?

12 A. Yes, an outlet is a pharmacy.

13 Q. And do each of these bullet points
14 starting with "Total volume of Purdue product orders"
15 reflect a potential indicator of diversion?

16 A. Does each one or in the aggregate?

17 Q. You tell me.

18 A. Generally it was a series of factors. Any
19 one could trigger an alert, but generally it was a
20 combination of -- of factors that would create an
21 alert.

22 Q. And the point is all of these factors from
23 total volume of Purdue product orders to percentage of
24 OxyContin/non-OxyContin orders to percentage of orders

1 of higher doses of OxyContin, these were all
2 indicators of diversion that then would be weighed and
3 considered within the algorithms, is that correct?

4 MR. HOFFMAN: Object to form.

5 BY THE WITNESS:

6 A. These parameters were indication of
7 potential diversion, not of diversion.

8 BY MR. STEWART:

9 Q. Do you see that at the bottom of the
10 page it says: "Based on the algorithm, 500 to 600
11 outlets met the criteria."

12 Do you see that?

13 A. I do see that.

14 Q. And that would be in '09-'10 according to
15 the PowerPoint slide?

16 A. Yes.

17 Q. And remind me who you said would select
18 from among the 500 to 600 outlets the ones that would
19 receive a review by the OMS committee?

20 A. Generally the director would, but first of
21 all as point of clarification, and I don't know if it
22 was two years here or the end of '09 to the beginning
23 of '10, so it would be hard for me to tell, but just
24 as a point of clarification, it wasn't as if 500 or

1 600 popped up at one time. This is over a period of
2 time. And we were meeting monthly at that time,
3 three -- sometimes every three weeks.

4 So for those monthly meetings for those
5 that popped up at that time, the director of OMS at
6 that time, the full-time person whose job it was to
7 monitor would create a list.

8 Q. And I guess my question is: Would the
9 list include every single pharmacy that had been spit
10 out of the com -- computer using algorithms or would
11 it be a -- a selection from that list?

12 A. I'm not sure.

13 Q. You would receive a list of suspect
14 pharmacies?

15 A. I would receive a -- a list and an initial
16 report of suspect pharmacies.

17 Q. And typically how many would you consider
18 at a meeting?

19 A. When I was doing it, it seemed like there
20 was a hundred at every meeting, but I'm sure it was
21 not that. It was probably anywhere from 8 to 15.

22 Q. And I believe you've said you would not
23 get the underlying report generated by the algorithm,
24 you would just get the recommendation from --

1 A. No. I would get -- I'd get certainly the
2 data report.

3 Q. Let me make -- you said the -- the
4 director of OMS would come to you with the list of
5 suspect pharmacies, fair?

6 A. It would -- it would be on the agenda, but
7 if there was information on them available, she would
8 attach it to the agenda.

9 Q. But you would not be able to look behind
10 that list to figure out whether that list was a
11 complete list of every pharmacy that had been -- that
12 had met the criterion of the algorithm or whether
13 there was a subset selected, is that fair?

14 A. I'm not sure.

15 Q. I take it the -- the -- your starting
16 point for investigation as a member of the OMS
17 committee was that list that was provided?

18 A. Yes.

19 Q. Is that correct?

20 And who was the human being that was
21 providing that list?

22 A. The director of OM -- of OMS.

23 Q. And it was always the director of OMS?

24 A. Yes.

1 Q. I think that was two people held that
2 position, is that correct?

3 A. Yes.

4 Q. And who were they?

5 A. Betsy Adams and Giselle Issa.

6 Q. And I'd like you to turn to the next page.

7 Do you see it's another page entitled "OMS
8 Process (continued)"?

9 A. Yes.

10 Q. And is this -- is this -- when it -- you
11 see it, there is a title that says: "Outlets
12 identified by other signals"?

13 A. Yes.

14 Q. And what does that involve?

15 A. It involves apparently what is listed
16 there.

17 Q. Turn to the next page. Do you see it
18 says: "OMS process continues"?

19 A. Yes.

20 Q. And it talks about "outlier pharmacies
21 selected for review"?

22 A. Yes.

23 Q. And it says: "Total FFS data outliers (as
24 ranked by sales ops)"?

1 A. Yes.

2 Q. Okay. What is that process? Is that the
3 one you just described where the head of OMS would
4 provide you a list?

5 A. Yeah, yes, the -- in the system -- the
6 system with its algorithms was designed to rank the
7 pharmacies.

8 Q. But you wouldn't actually get the raw data
9 showing the ranking, I take it?

10 A. I could certainly look at it.

11 Q. I'm hearing you. Did you ever look at it?

12 A. Yeah, I would look at it.

13 Q. Well, I guess what I'm saying is would you
14 ever look at the data to show why these particular
15 pharmacies were selected?

16 A. Before I would go to the meeting I would
17 look at why the pharmacies were selected.

18 Q. The ones that had been given to you on the
19 list?

20 A. Right.

21 Q. You just don't know how many were
22 excluded, if any, that met the algorithm requirements?

23 A. I don't know if any were excluded.

24 Q. You don't know one way or the other, is

1 that fair?

2 A. Yeah.

3 Q. What does this mean: "Input from national
4 accounts"?

5 Was there another way to get on the list
6 for consideration by the OMS committee?

7 A. If there was anything that national
8 accounts knew from our dealings in the -- in the field
9 that would -- that would come to our attention and,
10 therefore, as outlined by Robin here, would require a
11 need for further follow-up.

12 Q. Now, we -- we talked about Purdue looking
13 at things systematically.

14 Do you know if Purdue systematically
15 reviewed media reports of diversion at pharmacies?

16 A. I think somewhere in here she -- Robin
17 points to looking at media reports. I think on the
18 previous page, as a matter of fact.

19 Q. But do you know yourself whether or not
20 Purdue looks at media reports on a daily basis to gain
21 information about where pharmacies might be engaged in
22 diversion?

23 A. I know that there were people reviewing
24 material every day, both digit -- mostly digitally.

1 Q. Okay. How do you know that?

2 A. Because when we got reports of something,
3 it was because somebody had done a media review.

4 Q. When you got reports on the OMS committee,
5 was that related to a particular case?

6 A. When we got reports on the OMS committee,
7 reports of what?

8 Q. When you got reports of news -- news
9 articles and so forth relating to pharmacists and
10 diversion, were those news articles assembled for you
11 because these pharmacists were before the --
12 pharmacies were before the OMS committee for analysis?

13 A. Yes, that's what we're there for.

14 Q. The point is, you didn't get lists of
15 inform -- of -- of news reports from across the
16 country indicating diversion by pharmacists, fair?

17 MR. HOFFMAN: Object to form.

18 BY THE WITNESS:

19 A. The purpose of the OMS committee was to
20 review individual pharmacies. If there was a report
21 going somewhere else, it would not come before that
22 committee to analyze one pharmacy.

23 BY MR. STEWART:

24 Q. And in your time at Purdue, you didn't see

1 such a report, is that fair?

2 A. I was not on that distribution list.

3 Q. Do you see that the next page of this
4 document is entitled "OMS Process (continued), DEA
5 Compliance: Collaboration With Authorized
6 Distributors"?

7 A. Yes.

8 Q. And do you see it talks about following up
9 with respect to individual outlets, which may include
10 surveillance, reduction or cut off of supply, and I'm
11 paraphrasing, or reporting to the licensing board,
12 DEA, et cetera?

13 A. Yes.

14 Q. Okay. Is this follow-up that would occur
15 after you had reported somebody to the DEA, is that
16 what this is describing?

17 A. That's prior to reporting.

18 Q. Okay. So what is it follow-up to?

19 A. I believe it is prior to reporting, I
20 should --

21 Q. What sort of follow-up is Ms. Abrams
22 referring to then in this context?

23 A. Well, to put it into context, I believe
24 what she is saying here, and, again, you'd have to ask

1 Ms. Abrams to do that herself, but the context here
2 from the way I read it is that if there was -- if
3 there were or was an outlet of concern, we would work
4 with our wholesale partners to try to gather
5 additional or share information not limited to but
6 including, when it says surveillance or site -- site
7 visit it means literally going out ourselves or -- or
8 going with a representative from the wholesaler to
9 observe a -- a particular outlet, for want of a better
10 term, to do a stakeout which -- or they would do a
11 site visit and confront the pharmacy or owner or both,
12 pharmacist, owner -- owner, both, about specifically
13 what was going on in the pharmacy.

14 Q. So --

15 A. Go ahead.

16 Q. No. Go ahead and continue if you'd like.

17 A. I'm finished.

18 Q. So it sounds like the way the OMS
19 committee would work is data would be used, the FFS
20 data would be analyzed to come up with a potential
21 suspect diverters and then the OMS committee would
22 respond at times by sending out investigators to
23 figure out, Okay, in the field are these signals of
24 diversion true or -- or are they not true, is that

1 fair?

2 A. What they would do was use all of the
3 information that was available to them, including
4 data, to ascertain as to whether some -- a particular
5 outlet was suspected of being a diverter or abuser of
6 controlled substances.

7 Q. But the starting point that got the OMS
8 committee on the trail was an analysis of FFS data,
9 fair?

10 A. No, I don't think that's --

11 MR. HOFFMAN: Object to form.

12 BY THE WITNESS:

13 A. -- necessarily fair because if you go back
14 earlier in the reports, earlier in the slide deck, the
15 problem refers to other sources.

16 BY MR. STEWART:

17 Q. But -- but I would a say --

18 A. I would say the FFS was the driver, but
19 other sources.

20 Q. So when you say "the driver," in a --
21 in -- in a situation involving FFS, what would happen
22 is FFS data would be analyzed using algorithms and
23 that would indicate suspect pharmacies and then the
24 OMS committee would investigate them using

1 investigators or other means, fair?

2 A. True.

3 Q. Turn to the next page. It's entitled

4 "OMS" -- or it's two pages. "OMS Report and Committee
5 Decision."

6 A. Excuse me.

7 Q. Do you see that?

8 A. Yes, I do.

9 (WHEREUPON, a certain document was
10 marked Purdue-Seid Deposition Exhibit
11 No. 037, for identification, as of
12 12/13/2018.)

13 BY MR. STEWART:

14 Q. I'm going to hand you -- I can't use that
15 one -- I'm going to hand you Exhibit 37.

16 A. Thank you.

17 Q. And ask you, is Exhibit 37 an example --
18 there is an e-mail in front and it seems to attach an
19 OMS report, and I'm wondering if that's an example of
20 a written report for OMS committee review?

21 A. Yes.

22 Q. Okay. You can set that exhibit aside.

23 Turn to the next page --

24 MR. STANNER: Can you pass down 37?

1 Thanks.

2 BY MR. STEWART:

3 Q. Do you see this slide entitled "OMS
4 Process: Post Reformulation"?

5 A. Yes.

6 Q. Do you remember what this involves?

7 A. This was based if the -- in August of 2010
8 the reformulated Ox -- OxyContin was released. And
9 based on that, ob -- observing the ordering --
10 ordering patterns of the reformulated product and how
11 it impacted the FFS system, the algorithms were
12 adjusted to see if -- where there may have been a
13 reduction in dispensing of a pharmacy after the launch
14 of the abuse deterrent formulation in August of 2010.

15 Q. Do you see there is a line, it's the
16 fourth bullet down, it says:

17 "Percentage of OxyContin decline post
18 reformulation versus contemporaneous increase in other
19 opioids"?

20 A. Yes.

21 Q. Is that one thing that the study was
22 measuring?

23 A. It was one of the points that she
24 indicates here.

1 Q. Was trying to determine whether or not,
2 after they reformulated OxyContin to the abuse
3 deterrent-type, that some pharmacies would have a
4 dramatic decline in -- in selling that OxyContin, is
5 that correct?

6 A. That is correct.

7 Are you referring to the fourth bullet
8 after the main bullet in yellow?

9 Q. That's correct.

10 A. You -- I will note that it also includes
11 the contemporaneous increase in other opioids.

12 Q. And was the theory -- was the theory
13 behind the study that if you had a pharmacy that saw a
14 dramatic decline post formulation in sales of
15 OxyContin, that probably that reflected the fact that
16 that pharmacy had been serving the illegal drug market
17 for diverted OxyContin?

18 MR. HOFFMAN: So object to form. I think your
19 question might be a little unclear. You said "post
20 formulation in sales of OxyContin."

21 BY MR. STEWART:

22 Q. Um, I'll -- I'll rephrase.

23 Do you -- do you -- is the theory
24 underlying this study that if you have a pharmacy that

1 showed a significant decline in sales of OxyContin
2 after the reformulation, that that suggested that the
3 pharmacy had been involved in the market for diverted
4 drugs?

5 A. There was a potential that there -- that
6 that pharmacy may have been involved in a situation
7 where abuse and diversion may have been prevalent.

8 Q. The theory being that proper users of
9 OxyContin didn't have a problem with the reformulated
10 drug because they weren't planning to crush it?

11 A. Most didn't, right.

12 Q. Do you see that the bullet says:
13 "Evaluate whether geographically" -- "geographically
14 located near prescribers of concern"?

15 A. I do see that bullet.

16 Q. What did that involve?

17 A. Well, that goes back to even -- it goes
18 back to pre reformulation.

19 As mentioned several times over the last
20 couple of days is that one of the things -- one of the
21 criteria -- criteria and data that was looked at was
22 prescriber data as it related to that particular
23 pharmacy.

24 Q. So as part of this report what they did is

1 they looked at pharmacies and they said, Is the
2 pharmacy located near prescribers of concern that
3 we've already identified, fair?

4 A. But this is -- first of all, this is an
5 algorithm and not a report. So this wasn't creating a
6 report. It was creating an algorithm.

7 Q. So -- so was the algorithm structured such
8 that it could also incorporate information about the
9 location of prescribers of concern?

10 A. It used prescribers of concern as a factor
11 in looking at the data.

12 Q. Do you know whether, other than with
13 respect to this report, Purdue systematically used its
14 algorithms to evaluate the relationship of prescribers
15 of concern to pharmacies involved in -- in diversion?

16 MR. HOFFMAN: Object to form.

17 BY THE WITNESS:

18 A. You have to give me that one more time.

19 BY MR. STEWART:

20 Q. Sure.

21 Here you're -- you just testified, right,
22 that -- that one aspect of this algorithm was it would
23 evaluate whether a pharmacy potentially engaged in
24 diversion was located near prescribers of concern,

1 right?

2 A. Correct.

3 Q. Prescribers of concern, a lot of them
4 would end up in region zero, fair?

5 A. I don't know that for a fact since I was
6 not on that side of the business at the time, but I'm
7 sure some of them did.

8 Q. And -- and I guess the question is:
9 Did -- here they made this -- this algorithm evaluate
10 prescribers of concern as related to pharmacies.

11 Did Purdue that -- do that systematically
12 as a business practice?

13 A. I can't tell you if they did or they
14 didn't.

15 Q. Who could tell us about this algorithm
16 that's referred to on this particular slide entitled
17 "OMS Process: Post Reformulation"?

18 A. Well, I can tell you about the algorithm
19 because I was part of the team who did it, but what
20 more would you be looking for?

21 Q. I guess I'd like to know if there is -- is
22 there a broader report that explains how this
23 algorithm precisely worked?

24 A. I don't know if there is a broader report.

1 Q. As part of the team that did it, did you
2 find a lot of situations where these problem
3 pharmacies were identified as located near prescribers
4 of concern?

5 A. Again, you have to give me that one more
6 time. I'm not --

7 Q. Sure.

8 A. -- sure where you are going.

9 Q. Did you, in fact, since you were part of
10 the team that developed this algorithm, did you find a
11 lot of pharmacies that were geographically located
12 near prescribers of concern?

13 A. What I was looking at as part of the team
14 as related to this algorithm was the pharmacies and
15 the amount of product they dispensed because that was
16 my area of expertise. And as part of the
17 decision-making and being on part of the team, a
18 source that was brought in was the prescriber
19 information. So somebody who was responsible for that
20 dealt with all of that information.

21 Q. Do you remember who that team member was
22 with respect to this particular study?

23 A. Well, they -- they received it from --
24 from sales operations. There was not a sales

1 operations member, as I remember, on the OMS
2 committee. I would imagine -- I shouldn't say I would
3 imagine. I would guess that there was somebody
4 feeding Giselle that data or Robin or both.

5 Q. You don't know who the human being was in
6 the sales operation that did that?

7 A. That's a -- I don't know who it was
8 because there were some changes over that department,
9 certainly in the last few years that I was there there
10 were several changes, so I'm not sure.

11 Q. So we'd have to ask Robin or Giselle?

12 A. Yeah, I would think they would be a better
13 source.

14 Q. It says, though, do you see: "Based on
15 the new algorithm, 100 to 200 outlets met the
16 criteria."

17 Do you see that?

18 A. Yes.

19 Q. And so those were now outlets, pharmacies
20 that were suspected as being involved in diversion?

21 A. We were concerned, yes.

22 Q. Where could I get a list of those
23 pharmacies that were identified as the 100 to 200
24 outlets that met the criteria?

1 A. I'm not sure who the person is for -- for
2 that.

3 Q. Certainly probably Robin Abrams would be
4 one person, right?

5 A. Well, she is no longer with the company,
6 so she is probably not the right person.

7 Q. But somewhere there must be some record of
8 those particular people?

9 A. I'm sure there is some record somewhere.

10 Q. And turn over to the next slide.

11 Do you see you've got a slide "Meetings
12 with the DEA"?

13 A. Yes.

14 Q. And did you have to turn over these 100 to
15 200 prescribers to the DEA, did you do that?

16 A. I have no idea.

17 Q. Okay. Was there any follow-up done with
18 the 100 to 200 prescribers identified in the study
19 that you have been describing or the algorithm related
20 to the reformulation?

21 MR. HOFFMAN: Object to form. I'm sorry. I
22 think you are saying "prescribers" now, which I don't
23 know if that's what you intend.

24 BY THE WITNESS:

1 A. Do you mean pharmacies?

2 BY MR. STEWART:

3 Q. That's right. Thank you.

4 You talked about -- well, outlets, we'll
5 use the word used in the materials.

6 A. Outlets, yes.

7 Q. "Based on the new algorithm, 100 to 200
8 outlets met criteria."

9 And I'm wondering, was there any follow-up
10 with respect to those outlets that you know of?

11 A. I know the data was shared with the DEA.
12 I don't know if -- how and in what format, but we
13 were -- not we, because I was not the individual who
14 did it. The people involved were pretty open and
15 transparent with the DEA on the findings we had.

16 Q. Do you know if they identified the
17 pharmacies or the outlets by name to the DEA?

18 A. I don't know that.

19 Q. What human being was responsible for
20 interfacing with the DEA with respect to those outlets
21 that were identified in the post -- in the
22 reformulation study?

23 A. I do not know specifically who went to
24 those -- these meetings. It certainly was not

1 national accounts. And it certainly was nobody from
2 the sales department. So if I was to guess, they were
3 from either corporate security or the general
4 counsel's office.

5 Q. So what human being do you think would
6 have gone?

7 A. A guess would be Robin Abrams.

8 Q. Okay. Would Jack Crowley have gone to
9 such a meeting with the DEA?

10 A. Possibly. Possibly Mark Geraci.

11 Q. Can you pull out Exhibit 19 for just one
12 moment, sir.

13 A. Thank you.

14 Q. And I would like to turn your attention --
15 do you recall specifically you testified about it
16 earlier today?

17 A. Yes.

18 Q. Do you see it's an e-mail from Jack
19 Crowley to you, among other people?

20 A. Yes.

21 Q. Okay. And can you flip to the second
22 page.

23 And do you see that Mr. Crowley says, and
24 this is the final full paragraph:

1 "Steve, system orders to one account in
2 Florida where orders appear to have increased
3 substantially, I have spoke to Robin about this retail
4 pharmacy account last Thursday. I soon realized this
5 account was related to a physician who I had reported
6 to the DEA last October at Robin's direction due to
7 IMS data that Robin monitors."

8 Do you see that?

9 A. Yes, I do.

10 Q. In this correspondence, isn't Mr. Crowley
11 talking about what you have referred to, which is
12 this, the fact that to get the full picture of
13 diversion, you have to look at both the OMS data with
14 respect to the pharmacies and the I -- the IMS data
15 with respect to the prescribers, is that fair?

16 A. So let me rephrase, if -- if I may, to
17 make sure I understand.

18 Q. Sure, um-hum.

19 A. And is that to -- for the OMS to be
20 effective, you need to look at the prescriber data to
21 assure that the pharmacy data was correct?

22 Q. I guess Crowley, Mr. Crowley in this
23 letter, you tell me, seems to be telling people, you
24 know, here we looked at pharmacists -- we -- we -- we

1 were looking at a pharmacy, okay, a retail pharmacy
2 account, and then I soon realized, he says, that this
3 was related to a physician I reported to the DEA based
4 on IMS data.

5 Do you see that, that's the paragraph that
6 we read?

7 A. Yes.

8 Q. And then you might want to read it, do you
9 see Mr. Crowley goes on to talk about the fact that
10 you have to put two and two together to really develop
11 the pattern of diversion here.

12 Do you see that?

13 A. I do see that.

14 Q. When he is talking about putting two and
15 two together, isn't he talking about the fact that
16 sometimes the best evidence of diversion comes from
17 the FFS data with respect to what the pharmacies are
18 selling and sometimes it comes from the IMS data with
19 respect to what the physicians and nurse practitioners
20 are prescribing, fair?

21 MR. HOFFMAN: Object to form.

22 BY THE WITNESS:

23 A. I think what Jack is saying here is that,
24 being the good retired DEA agent that he is, that he

1 looked at more than one aspect of the crime to get the
2 impact.

3 Again, the OMS -- the -- how can I put
4 it -- the charge of 1301.74(b) is to know your
5 customer's customer. The wholesaler is our customer.
6 Their customer is the pharmacy. It appears to me that
7 Jack did a good job of going beyond what was
8 prescribed by the DEA to be more effective.

9 BY MR. STEWART:

10 Q. To figure out the true pattern of
11 diversion, fair?

12 A. Yep.

13 Q. Can you turn to --

14 MS. PORTER: Are you done with Exhibit 19?

15 MR. STEWART: Yes, take away Exhibit 19. Thank
16 you.

17 BY MR. STEWART:

18 Q. And can you turn back to the PowerPoint
19 and turn to the page entitled "Summary of OMS Program
20 Activity"?

21 A. Yes.

22 Q. And do you see that you've got a summary
23 of outlets reviewed and referred between -- between
24 the years of '08 and '11?

1 A. Yes.

2 Q. Okay. Do you see that it seems to rank
3 outlets by state?

4 A. Yes.

5 Q. And do you see that they are ranked in
6 order of the number of -- of outlets that are
7 investigated?

8 A. Yes.

9 Q. And the fifth on the -- the sixth on the
10 list is Tennessee, fair?

11 A. That's what I see.

12 Q. So it looks like Tennessee had the sixth
13 most number of outlets that were investigated by the
14 OMS committee, fair?

15 A. That's what it looks like.

16 Q. And any reason to think that's not the
17 case?

18 A. I have no reason to think it's not the
19 case.

20 Q. Do you remember any of these particular
21 Tennessee cases as we sit here?

22 A. No, I don't.

23 Q. Do you know how many of them were referred
24 to the DEA after an investigation by the OMS

1 committee?

2 A. No, I don't.

3 Q. Well, what this is showing us here, this
4 slide is showing us, that Tennessee had 14 outlets
5 that were sufficiently suspected of diversion that
6 they were given an investigation by the OMS committee?

7 A. That is correct.

8 Q. Once -- once Purdue refers somebody to the
9 DEA, refers an outlet to the DEA, does Purdue continue
10 to supply pharmaceuticals to that outlet?

11 A. We don't supply pharmaceuticals to
12 outlets.

13 Q. Fair enough. Let me rephrase.

14 When Purdue decides to refer an outlet to
15 the DEA, such as the outlets listed on the
16 exhibit here on this slide entitled "Summary of OMS
17 Probe" -- "Program Activity," does anything happen to
18 Purdue's relationship to that outlet?

19 A. We keep our -- certainly keep our
20 representatives out of that outlet, that's for sure.
21 We advise our -- or urge our trading area partners not
22 to supply product to that outlet or restrict flow to
23 that off -- outlet, and we continue to monitor the
24 outlet, because I'm sure, as you are well aware, that

1 the wheels of law enforcement sometimes grind slowly
2 and we continue to monitor because the DEA may not
3 take action for a period of time --

4 Q. So --

5 A. -- after we report.

6 Q. So while the DEA's wheels are grinding,
7 Purdue is basically monitoring the situation with the
8 di -- diverting pharmacy, fair?

9 A. Sure. We want to make sure that nobody is
10 going to pick up the volume.

11 Q. But during that period the pharmacy that's
12 been referred to the DEA remains in business unless
13 some other factor intervenes, fair?

14 A. Well, if I -- unless some kind of
15 adjudicating agency takes the lighted -- license away.

16 Q. Let's turn now to Exhibit 37. I think
17 you've got it, sir.

18 Can you tell me what this exhibit is?

19 A. It is a letter -- e-mail from Giselle Issa
20 to, it looks like members of the OMS committee with
21 copies to several other people with an attached agenda
22 and one additional topic to be discussed by Steve Seid
23 and the remaining three outstanding reports.

24 Q. Let me ask you, okay, so if you turn to

1 the next page, and I'll tell you the next page has a
2 Bates number that ends in the numbers 5580.

3 Do you see that?

4 A. Yes, I do.

5 Q. Is this the first page of an OMS report
6 that the committee is supposed to analyze?

7 A. It looks to be one.

8 Q. What information would you always expect
9 to be in these reports for your review?

10 A. The data -- the data that's listed there.
11 There is more granular -- granular data on the second
12 page, yeah, the second page, background and reason for
13 the OMS review, of course, is initial. There is
14 additional data obtained by sales operation. I --
15 those charts are hard to read and I have no -- I don't
16 know what they are.

17 MS. PORTER: Are you referring to Page 5583?

18 THE WITNESS: 5583.

19 BY THE WITNESS:

20 A. On 5584 there is no national accounts
21 input which needs to be in there. Luis Bauza did a
22 records search. Field sales force input. There was
23 some attachment there. And then it's missing
24 wholesaler input and recommendation.

1 MR. HOFFMAN: Mike, real quick, I'm sorry for
2 the record, it looks like the -- we are missing one
3 page in order, which is 79, Bates 79. I'm not
4 suggesting we need it, but it looks like the agenda
5 for whatever reason wasn't included in the exhibit.

6 BY MR. STEWART:

7 Q. Sir, do you -- turn your attention to
8 Page 5592.

9 A. 92.

10 Q. Now, do you see that that's a news report?

11 A. Yes.

12 Q. Okay.

13 Is that the sort of thing you would expect
14 to see in the packets, the reports that are provided
15 to you on the OMS committee?

16 A. I would expect to see data that was
17 pertinent to the particular account, yes.

18 Q. And if there is a news report about
19 diversion at this particular pharmacy, would you
20 expect that?

21 A. Yes.

22 Q. Turn to Page 5594.

23 A. Okay.

24 Q. And do you see that it's a second report

1 about a second pharmacy?

2 A. Yes.

3 Q. And this is the Food City Pharmacy?

4 A. Yes.

5 Q. It's in Knoxville, Tennessee?

6 A. Yes.

7 Q. On Hardin Valley, it is 11501 Hardin

8 Valley ROA?

9 A. Yes.

10 Q. So, now, this is the second pharmacy in

11 this package that is in Tennessee and before your

12 committee as suspected of diversion, fair?

13 MR. HOFFMAN: Object to form.

14 BY THE WITNESS:

15 A. It's suspect if it's a reason for review,

16 yes.

17 BY MR. STEWART:

18 Q. And let me ask you, if we wanted to look

19 at every report that has ever been filed of the sort

20 that is included in Exhibit 37, would Purdue have

21 these reports on file?

22 A. I would suspect they do.

23 Q. We ought to be able to go into Purdue's

24 records and figure out how many pharmacies in

1 Tennessee, for example, have been subject to OMS
2 review, fair?

3 MR. HOFFMAN: Object to form, foundation.

4 BY THE WITNESS:

5 A. I would expect you would be able to find
6 those pharmacies anywhere that have been reviewed.

7 BY MR. STEWART:

8 Q. Turn to Page 5599, sir.

9 A. 5599. Yes.

10 Q. Do you see it's a narrative?

11 A. Yes.

12 Q. Do you see there is a section that's
13 entitled "Wholesaler Input"?

14 A. Yes.

15 Q. And tell me what you have here in this
16 narrative.

17 Why -- why is this included in this
18 report?

19 I mean, do you always have these sorts of
20 narratives in these reports?

21 A. There is usually wholesaler input.
22 It's -- some is more significant than others or longer
23 than others or multiple accounts.

24 Q. But if there is investigations, if there

1 are investigations that have been done, you would
2 expect that these reports would be included so that
3 you could review them on the OMS committee, is that
4 fair?

5 A. If the -- if we were able to get input
6 from our wholesaler partners, we would do so.

7 Q. Do you see that it says, "Jack and
8 Giselle," it is the very first line under Wholesaler
9 Input --

10 A. Yes.

11 Q. -- "contacted Ed Hazewski from ABC on
12 May 24th, 2012."

13 Do you see that?

14 A. Yes, I do.

15 Q. Who do you think Jack is? Is that Jack
16 Crowley?

17 A. That's Jack Crowley.

18 Q. And who is Gis -- Giselle?

19 A. Giselle Issa.

20 Q. And do you see that -- that it says that:

21 "Ed stated that his comments are
22 applicable to the three Food City Pharmacies. Ed
23 stated that a year ago ABC started forcing Food City's
24 volume down. Ed stated that their volume is mainly

1 driven by Bearden Clinic (managed by Drs. Frank and
2 Janet McNeil) both region zero doctors."

3 Do you see that?

4 A. I do see that.

5 Q. And then do you see it says down, I've
6 underlined it:

7 "Ed stated that there are three Food City
8 Pharmacies in Knoxville and they all fill
9 prescriptions for the Bearden Clinic."

10 Do you see that?

11 A. Yes.

12 Q. And -- and do you know what -- what was
13 done to follow up on this report?

14 A. This specific report?

15 Q. Yeah, um-hum.

16 A. I don't know.

17 Q. Okay. Can you turn to Page 5600.

18 Do you see that there is a recommendation
19 made?

20 A. Yes.

21 Q. And what's the recommendation?

22 A. The recommendation is:

23 "We recommend that Purdue" -- "Purdue
24 assist in the site visit of this Food City account.

1 In particular, we are interested in confirming whether
2 the account is complying with state reporting
3 requirements under the Prescription Drug Monitoring
4 Program, and attempt to learn more about the
5 prescribers whose patients they are servicing. If we
6 participate in a visit with ABC, this account will
7 qualify for MOEs 1 and 2. The sales reps may continue
8 to call, and will be requested to notify the General
9 Counsel's Office if further derogatory information is
10 obtained."

11 Q. So what happened was the OMS committee was
12 presented with a report with a pharmacy and there is a
13 report involving large amounts of -- of OxyContin, for
14 example, prescribed and the recommendation is that you
15 send some field representatives, go down to look at
16 it, is that fair?

17 MR. HOFFMAN: Object to form.

18 BY THE WITNESS:

19 A. The last line is a field representative,
20 the Purdue assisted in the site visit would be with
21 the executive director of CSA, I assume, or -- and/or
22 Luis Bauza, director of investigations.

23 BY MR. STEWART:

24 Q. So the point is at this point the

1 recommendation, and this is taking place in June 2012,
2 the recommendation is don't take any action with
3 regard to referring this pharmacy to the DEA, but
4 conduct further investigation, is that correct?

5 A. I am not sure, because I forget right now,
6 MOEs stand for recommendation actions, and I don't
7 remember what each MOE number was and meant. So I can
8 tell you -- I can't tell you what specific
9 Recommendations 1 and 2 are.

10 Q. We'd have to look at the MOEs to figure
11 that out?

12 A. Yeah.

13 Q. But what we do know is that there is a
14 recommendation that there be a site visit of the Food
15 City account?

16 A. Yes.

17 Q. Fair?

18 Do you know if that ever happened?

19 A. I don't.

20 Q. Okay.

21 A. I'm --

22 MR. HOFFMAN: Hey, Mike, is it a good time to
23 take --

24 MR. STEWART: Sure.

1 MR. HOFFMAN: -- just a quick break?

2 MR. STEWART: Absolutely. Let's take five.

3 THE VIDEOGRAPHER: We are off the record at

4 3:04 p.m.

5 (WHEREUPON, a recess was had

6 from 3:04 to 3:18 p.m.)

7 THE VIDEOGRAPHER: We are back on the record at

8 3:18 p.m.

9 (WHEREUPON, a certain document was

10 marked Purdue-Seid Deposition Exhibit

11 No. 038, for identification, as of

12 12/13/2018.)

13 BY MR. STEWART:

14 Q. I'm going to hand the exhibit -- the

15 witness Exhibit 38.

16 Sir, do you recognize that document?

17 A. I do not.

18 Q. Do you recognize the type of document, a

19 Field Research Result Summary?

20 A. Who -- who authored this?

21 Q. I don't know.

22 Do you -- do you know what it is?

23 A. I do not know what it is.

24 Q. Okay. You -- you -- you haven't seen or

1 you are not familiar with the document that has a
2 Bates number P_TN_000055997?

3 A. No.

4 Q. And --

5 A. I'm trying to figure out what, even, prism
6 map is here.

7 Q. It doesn't sound like it is a document
8 that you recall using on the OMS committee?

9 A. I don't recall this document, no.

10 (WHEREUPON, a certain document was
11 marked Purdue-Seid Deposition Exhibit
12 No. 039, for identification, as of
13 12/13/2018.)

14 BY MR. STEWART:

15 Q. I hand you Exhibit 39.

16 A. Thank you.

17 Q. And --

18 MR. STEWART: Oh. Here, let me take one back.

19 BY MR. STEWART:

20 Q. Do you recognize Exhibit 39?

21 A. I rec -- do I recognize that this is
22 Exhibit 39?

23 Q. Yeah.

24 A. Yes, this is Exhibit 39.

1 Q. Do you recognize what sort of document it
2 is?

3 A. This is a document from a rep to I believe
4 Russell Johnson was a DM -- no, Clyde Williams I think
5 was a DM and Phil Cramer was an RN, and Mark
6 Carraturo, Windell Fisher, Paul Rusu, Joan Zooper were
7 all copied, but I would not have seen this document.
8 I don't believe.

9 Q. And do you -- are you familiar with
10 documents in which Purdue will decide whether or not
11 doctors can -- can be detailed by Purdue salespeople?

12 A. 2007, I was in corporate and it had been
13 better than seven years that I was in the sales field,
14 so I am not familiar with this type of document.

15 Q. Okay. So you are not familiar with this
16 document here that says: "Purdue has decided that
17 sales representatives may call on Dr. Frank and Janet
18 McNeil."

19 Do you see that?

20 A. Yes, I saw it. I read it. And I'm not
21 familiar --

22 Q. And -- and you are not -- you are just not
23 familiar with --

24 A. This type of document?

1 Q. -- that type of document?

2 A. Oh. And I said Alieen -- Aileen was a
3 rep. She was still a paralegal at Purdue at that
4 time. She went from being a paralegal to a rep.

5 Q. Do you recognize --

6 A. Too much information.

7 Q. Do you recognize that the McNeils are the
8 doctors that were mentioned in the OMS -- in the OMS
9 report that we looked at that's Exhibit 37?

10 A. I do remember seeing those names.

11 (WHEREUPON, a certain document was
12 marked Purdue-Seid Deposition Exhibit
13 No. 040, for identification, as of
14 12/13/2018.)

15 BY MR. STEWART:

16 Q. I'm going to hand you Exhibit 40.

17 A. Thank you.

18 Q. And ask you if you recognize that?

19 Do you recognize that document?

20 A. No.

21 Q. Do you recognize -- do you know what an
22 ROC is?

23 A. Yes, it is a report of concern.

24 Q. And is that the sort of document -- well,

1 first, tell me what a report of concern is within
2 Purdue?

3 A. Report of concern is a report that -- I
4 believe it is anybody in the organization. I don't
5 know if that's still in -- the case, but I believe
6 it's anybody in the organization who sees or hears
7 something that may be a report of concern as it
8 relates to one of our products, in particular as to
9 the inappropriate use of a product, that they are
10 expected, not that they can, they are expected to --
11 to document that with an ROC, as it was called.

12 Q. And -- and what is the date of the report
13 of concern that's Exhibit 40 to your deposition?

14 A. The date, it's date stamped August 25,
15 2008.

16 Q. Okay. And do you see that -- what the
17 report of concern said is that:

18 "Purdue sales rep called to report in the
19 Metro Pulse (21 August 2008, Volume 18), he read an
20 article called Drug Zone. There were statements about
21 OxyContin, Food City Pharmacy and the Vearden Heart
22 Associates Clinic."

23 Do you see that?

24 A. Yes.

1 Q. Okay. Do you see, if you turn to
2 Page 6589 in the Bates numbering, that there is a
3 newspaper article called "Drug Zone"?

4 A. Yes.

5 Q. Do you see that the "Drug Zone" article,
6 and you can look up on the screen, it talks about Food
7 City, the Food City, and it talks about the McNeils?

8 I'll turn it this way for you.

9 Do you see that?

10 A. Yeah, it's a bit hard to read either in
11 the copy here or on the screen.

12 Q. Do you see it talks about Bearden
13 Healthcare Associates as operated by Drs. Frank and
14 Janet McNeil?

15 A. Yes.

16 Q. Do you see it talks about the Food City
17 parking lot?

18 A. Where is that?

19 Q. It is highlighted. It is up on the
20 screen.

21 A. I can't see that.

22 Q. Well, do you see the headline is "Drug
23 Zone Westwood Residents Allege Irresponsible" --
24 "Allege Irresponsible Prescription Practices At

1 Neighborhood Food City and Nearby Clinic"?

2 A. Yes.

3 Q. Okay. Now, before we looked at an
4 Exhibit 37, which was a June 2012 report on a Food
5 City Pharmacy in the Knoxville area.

6 Do you see -- do you remember that?

7 A. I do remember that.

8 Q. Okay. And you remember that report
9 contained investigator comments regarding Drs. Frank
10 and Janet McNeil?

11 A. I remember they were in that report.

12 Q. Now here we have a newspaper article
13 addressing those same doctors, fair?

14 A. I -- the same names are in this article,
15 yes.

16 Q. Right. The -- Exhibit 40 has got the same
17 names of the doctors, it has got Food City, and it is
18 a Food City in Knoxville, fair?

19 A. Okay. It is a Food City in Knoxville.

20 Q. And my question is: Do you know why this
21 newspaper article is not included in the package of
22 materials that you were given to review on the OMS
23 committee?

24 A. I do not know.

1 (WHEREUPON, a certain document was
2 marked Purdue-Seid Deposition Exhibit
3 No. 041, for identification, as of
4 12/13/2018.)

5 BY MR. STEWART:

6 Q. I'm going to hand you Exhibit 41.

7 A. Thank you.

8 MR. STEWART: If you can share, I would
9 appreciate it.

10 BY MR. STEWART:

11 Q. Do you see here you have an e-mail from
12 Steve Bishop to you?

13 A. Yes.

14 Q. Do you see he says:

15 "I'm looking at my calendar and I will try
16 to plan a trip to see Food City headquarters and then
17 drive to the Knoxville area the last week of October?"

18 Do you see that?

19 A. Yes.

20 Q. Okay. And do you see forwarded is a
21 report, if you go down to the bottom of the page, from
22 Russell Johnson and he reports that:

23 "Approximately a year ago there was a news
24 report on TV that discussed Food City Pharmacy in

1 Knoxville, Tennessee as being the largest distributor
2 of opioids in Tennessee. They then insinuated the
3 prescriptions were coming from Bearden Healthcare.
4 The report did not condemn the pharmacy or the
5 clinic."

6 Do you see that?

7 A. Yes.

8 Q. And then below that there is a paragraph
9 talking about the Metro Pulse article "Drug Zone"?

10 A. Yes.

11 Q. That's the article we just looked at?

12 A. Yes.

13 Q. Okay. And what -- what was your reaction,
14 do you remember this?

15 A. I don't.

16 Q. I take it you've now -- with this 2 --
17 September 2008 correspondence you've been put on
18 notice personally of these reports about the Food City
19 Pharmacy in Knoxville and the McNeils, fair?

20 MR. HOFFMAN: Object to form.

21 BY THE WITNESS:

22 A. I think -- I've been put on notice because
23 I've read these here or --

24 BY MS. CONROY:

1 Q. Right. Someone has now sent an e-mail to
2 you --

3 A. Oh, I see -- I see what you are asking.

4 Q. -- telling you about the "Drug Zone"
5 article and the television report, fair?

6 A. I was copied on this.

7 Q. Well, you were sent an e-mail from
8 Steve Bishop, right?

9 A. Yes.

10 Q. And why would Steve Bishop send you an
11 e-mail about this?

12 A. Because he reported to me.

13 Q. Why would this be something that would
14 come to your attention within Purdue?

15 A. Because Food City was a retail account --
16 was a -- was a distributor, was a retailer, a chain
17 retailer and geographically it was Steve Bishop's
18 responsibility.

19 Q. So this didn't come to you, this document
20 that we are looking at now did not come to you in the
21 context of your work for the OMS committee, it came to
22 you through business channels?

23 A. It appears so.

24 Q. And you're being handed document -- the

1 document that's Exhibit 41 or you were sent the e-mail
2 in that document to alert you that one of the
3 customers that you were ultimately responsible for
4 managing had been mentioned as potentially involved in
5 diversion?

6 A. That's what it -- the article said.

7 Q. What steps did you take?

8 A. I don't remember.

9 Q. What -- what would normally be your
10 reaction to receiving such an article?

11 A. I don't know who else was copied -- well,
12 I do see who was copied from Eric, but I don't know
13 where else it was forwarded, so I don't know if this
14 wound up in legal or more senior management, sales
15 management, because I do not see -- a regional manager
16 was copied and I don't know what she -- if she would
17 have forwarded this on, so I don't know -- I don't
18 know what was done with this e-mail.

19 Q. What should have been done with the e-mail
20 that's Exhibit 41? What should have that -- what
21 should that have prompted?

22 MR. HOFFMAN: Object to form.

23 BY THE WITNESS:

24 A. I -- what it should have prompted, and I

1 did see 2008 reports of concern were in place, it
2 should have prompted a ROC, which would have been
3 triaged through legal and then -- and perhaps there
4 was action decided on this -- then action would be
5 decided. Steve Bishop, perhaps, provided additional
6 information because he scheduled to get down there in
7 October.

8 BY MR. STEWART:

9 Q. What should you have done receiving a
10 report that described diversion, you yourself within
11 the organization?

12 MR. HOFFMAN: Object to form.

13 BY THE WITNESS:

14 A. Well, I don't know what I -- I can't tell
15 you what I -- I would have done with this. It was --
16 these were articles. It appears they were going to,
17 like, government affairs, they -- public affairs, the
18 areas that would review these kind of articles, and I
19 don't know what action -- my action would have been to
20 support Steve Bishop to go down there and get some
21 more information before I did something.

22 BY MR. STEWART:

23 Q. And -- and once again, we've got now this
24 article describing the problems at Food City and also

1 describing Bearden Healthcare and the McNeils, fair?

2 MR. HOFFMAN: Object to form.

3 BY THE WITNESS:

4 A. It was the previous article you showed me,
5 right, the Westwood Homeowners --

6 BY MR. STEWART:

7 Q. Right.

8 A. Yeah.

9 Q. You can read the e-mail from Russell
10 Johnson that's forwarded to you and it says, do you
11 see in the paragraph, the second paragraph --

12 A. Uh-huh.

13 Q. "The article discussed the Westwood
14 Homeowners Association's newsletter that accused Food
15 City Pharmacy and Bearden Healthcare and Associates of
16 conspiring to run a pill mill. They accused Food City
17 of filling the highest volume of opioids in the State
18 of Tennessee. The community news article went on to
19 say that the physicians at Bearden Healthcare are the
20 biggest problem in the state when it comes to
21 overprescribing."

22 Do you see that?

23 A. I see that.

24 Q. Okay. So here once again this is a report

1 of this article warning of Food City and Bearden
2 Healthcare run by the McNeils, correct?

3 MR. HOFFMAN: Object to form.

4 BY MR. STEWART:

5 Q. Is that fair?

6 A. It mentions them, yes.

7 Q. Well, and my question is: How come this
8 article is not in the materials in Exhibit 37 that
9 were provided to you on the OMS committee when you
10 were provided a -- a report about a Food City?

11 A. Let me --

12 MR. HOFFMAN: Object to form, timeframe.

13 BY THE WITNESS:

14 A. -- let me just check, because I want to
15 just see the date of the other report.

16 So I'm not sure that there weren't -- and
17 it goes back to an earlier question of yours as to
18 whether an account was reviewed and if it was --
19 continued to be reviewed. I'm not sure that Food City
20 was not reviewed by the OMS committee before 2012, as
21 this --

22 BY MR. STEWART:

23 Q. If not, would you expect the article to be
24 included in the packet for you to review on the OMS

1 committee, the article --

2 A. I would have ex --

3 Q. -- about the "Drug Zone"?

4 MR. HOFFMAN: Object to form, timeframe.

5 BY THE WITNESS:

6 A. I would have expected that if that had
7 happened in 2008 and if it hit the algorithm, which it
8 seems it would have, that in that 2008 report if there
9 was media information available that it should have
10 been included in that report.

11 BY MR. STEWART:

12 Q. Would -- would you have expected that
13 Russell Johnson's e-mail recounting the concerns about
14 Food City and the Bearden health clinic and the
15 McNeils, would -- would you have expected that that
16 would be included in the packet for the OMS
17 committee's review?

18 MR. HOFFMAN: Object to form.

19 BY THE WITNESS:

20 A. Not necessarily in the 2012, but as -- do
21 you have that 2012 on you? Okay.

22 If there had been one in 2000 -- in and
23 around 2008, just like in this one where Lee Sparks,
24 who was a Tennessee rep, made a fee -- field sales

1 report, it would be in here. It would be in here.

2 BY MR. STEWART:

3 Q. Right. It sounds like you would have
4 expected Russell Johnson's report to appear before the
5 OMS committee in some report depending on -- you know,
6 timed at some point, fair?

7 MR. HOFFMAN: Objection to form, foundation.

8 BY THE WITNESS:

9 A. I would expect a field sales report to
10 appear, not necessarily the Russell Johnson letter.
11 There have been times in certain instances where we
12 send a manager to -- to do an onsite or go in with the
13 rep to -- or ascertain the information to get a -- a
14 more senior review, if you will.

15 But if there -- since this is dated 2008,
16 if there was re -- review before the committee in
17 2008, and I don't know if there was or there wasn't,
18 but it would be surprising if it wasn't -- if -- if it
19 hit the algorithm, that there would be field sales
20 input in the document.

21 BY MR. STEWART:

22 Q. I mean, you would expect as a member of
23 the OMS committee that at some point the committee
24 would be apprised of any negative field report

1 describing diversion or suggesting diversion?

2 A. We certainly would not --

3 MR. HOFFMAN: Sorry. Object to form.

4 BY THE WITNESS:

5 A. We certainly would ignore -- not nor --
6 ignore a field report.

7 BY MR. STEWART:

8 Q. Now, you talk about, Well, perhaps.

9 Do you recall saying, Well, it may be
10 there was a prior report about Food City and the
11 McNeils, fair?

12 A. I would say, yes, perhaps there was.

13 Q. Wouldn't you expect any prior report to be
14 mentioned in Exhibit 37, the 2012 report?

15 A. I --

16 MR. HOFFMAN: Object to form, foundation.

17 BY THE WITNESS:

18 A. -- am not sure. I would...

19 BY MR. STEWART:

20 Q. As -- as a matter of general policy,
21 wouldn't the committee want to know --

22 A. It certainly would be possible.

23 Q. Go ahead.

24 A. Sorry.

1 Q. Pardon me.

2 A. It certainly would be possible.

3 (WHEREUPON, a certain document was
4 marked Purdue-Seid Deposition Exhibit
5 No. 042, for identification, as of
6 12/13/2018.)

7 BY MR. STEWART:

8 Q. Do you recognize the document that you see
9 up on the screen, and it's Exhibit 42?

10 A. "CSA Compliance Accounts, Redacted For
11 Privilege."

12 This looks like -- I don't know what this
13 is. This looks like a type of -- it's titled "CS
14 Compliance Accounts," so it looks like a CSA
15 compliance report.

16 Q. What is a CSA compliance report?

17 A. I don't know what it is.

18 Q. It is not a document that you are familiar
19 with --

20 A. It is not a document --

21 Q. -- within Purdue?

22 A. It may have been a precursor to
23 information for the OMS, but it's not a -- I would not
24 see this document. This -- it mentions Luis, which is

1 Luis Bauza, so it appears that it related to
2 investigation and that would be through CSA compliance
3 or the legal department or maybe corporate security.
4 CS compliance reports to legal, so it would be legal
5 or corporate compliance.

6 (WHEREUPON, a certain document was
7 marked Purdue-Seid Deposition Exhibit
8 No. 043, for identification, as of
9 12/13/2018.)

10 BY MR. STEWART:

11 Q. Do you recognize the document that is
12 Exhibit 43?

13 A. No.

14 Q. You -- you don't, you have not seen a
15 document like that before?

16 A. Referral to DEA, no.

17 Q. Right. Do you know what document is used
18 to refer a doctor to DEA, to the DEA?

19 A. No, I don't.

20 Q. Is there a similar document used to refer
21 pharmacists to the DEA by the OMS committee?

22 A. The OMS usually contacts -- it's mentioned
23 in that report you were showed, Robin Abrams' deck, it
24 said that referral was done by phone or by visit for

1 the pharmacy.

2 (WHEREUPON, a certain document was
3 marked Purdue-Seid Deposition Exhibit
4 No. 044, for identification, as of
5 12/13/2018.)

6 MS. PORTER: I'm just going to -- do you want
7 this Post-it on the exhibit?

8 MR. STEWART: You can take it off.

9 BY MR. STEWART:

10 Q. Do you recognize the exhibit that is 44?

11 MS. PORTER: Do you have a copy, Counsel?

12 BY THE WITNESS:

13 A. I recognize it was -- a copy was sent to
14 me.

15 BY MR. STEWART:

16 Q. Do you see it says: "Reports for OMS
17 meeting," that's the subject?

18 A. Yes.

19 Q. Okay. Do you see the second report from
20 the bottom of that list is "Food City Pharmacy updated
21 report for July 2013"?

22 A. I see that.

23 Q. Okay. And do you know -- do you know what
24 happened with respect to Food City in 2013?

1 A. I don't.

2 Q. But you were once again looking at a
3 report with regard to Food City Pharmacy?

4 A. Apparently.

5 (WHEREUPON, a certain document was
6 marked Purdue-Seid Deposition Exhibit
7 No. 045, for identification, as of
8 12/13/2018.)

9 BY MR. STEWART:

10 Q. I'm going to hand you Exhibit 55.

11 A. Thank you.

12 Q. Do you recognize that document?

13 MR. HOFFMAN: Did you say 55?

14 MR. STEWART: Oh, 45. Pardon me.

15 BY MR. STEWART:

16 Q. Is that a document you recognize?

17 A. No.

18 Q. Okay.

19 Do you see it says: "Sales
20 representatives should not call on Drs. Janet and
21 Frank McNeil"?

22 A. I see that.

23 Q. Okay. Is the reason you don't recognize
24 this because it's not a document that would come from

1 within the OMS system?

2 A. Sales reps call on doctors.

3 Q. Right.

4 A. And report up through the sales
5 department. Although I was under the umbrella of the
6 sales department, my team called only on trade
7 accounts, so I would not be familiar with this.

8 Q. But here is a question.

9 You remember that Dr. Frank McNeil and
10 Janet McNeil --

11 A. Yes, I do.

12 Q. -- remember they were referred to -- in a
13 field report which was contained in Exhibit 37 which
14 was this OMS report that you had?

15 A. Yes.

16 Q. Fair?

17 Wouldn't a Purdue document stating that
18 the doctors referred to had been put on the "do not
19 call" list, shouldn't that report be included in the
20 materials given to the OMS committee?

21 MR. HOFFMAN: Object --

22 BY THE WITNESS:

23 A. I believe it was.

24 MR. HOFFMAN: Object to form.

1 BY THE WITNESS:

2 A. I believe it was, because, as I remember,
3 it said they were in region zero, so if they were in
4 region zero, that is the code name for don't call on
5 the doc.

6 BY MR. STEWART:

7 Q. The point is you wouldn't -- you -- you
8 don't think you would have to include this document
9 with the actual history, fair, that's your thinking?

10 A. I would think it would be a duplication.

11 Q. Normally would you include sales documents
12 that would talk about prescribers that are discussed
13 in the OMS materials?

14 A. What do you mean by "sales documents"?

15 Q. Well, is there any rule that says, you
16 know, we are not going to put sales documents in an
17 OMS committee report as backup?

18 A. Not that I'm aware of.

19 Q. I mean, in fact, I think you have said
20 sales documents, reports from salespeople of potential
21 diversion should go in the OMS materials that you
22 would rec -- review, fair?

23 A. They are in -- they are in those reports.
24 There is a section that says sales -- field sales

1 input or something along those lines.

2 (WHEREUPON, a certain document was
3 marked Purdue-Seid Deposition Exhibit
4 No. 046, for identification, as of
5 12/13/2018.)

6 BY MR. STEWART:

7 Q. I hand you Exhibit 46.

8 A. Thank you.

9 Q. Do you recognize this document?

10 A. No.

11 Q. You do not?

12 A. This is an Adverse Event/Product
13 Complaint/ROC. This is a form that a Purdue employee
14 is required to do for adverse events, product
15 complaints, reports of concern, ADD. I don't think
16 it's attention deficit disorder. I don't know what
17 ADD is.

18 But this is a form that -- I didn't see
19 this particular one, but this is a form that anyone in
20 the company is supposed to do to deal with any of
21 those issues.

22 Q. And do you see that the -- if you look at
23 the top of -- of the second page, it says:

24 "Chad said they do not fill prescriptions

1 for Drs. Frank McNeil's clinic. Chad said that he has
2 had some patients come in and tell him that
3 Dr. Meal" -- "McNeil has told patients that the DEA
4 has told Dr. McNeil he has got to cut back on his
5 prescribing."

6 Do you see that?

7 A. Yes.

8 Q. Do you know why this document wouldn't be
9 included in your materials that the -- that the OMS
10 committee reviewed when evaluating Food City and its
11 prescribers, related prescribers, the McNeils?

12 MR. HOFFMAN: Object to form, foundation.

13 BY THE WITNESS:

14 A. I don't know if there is any policy as to
15 why it would or it wouldn't.

16 (WHEREUPON, a certain document was
17 marked Purdue-Seid Deposition Exhibit
18 No. 047, for identification, as of
19 12/13/2018.)

20 BY MR. STEWART:

21 Q. I hand you exhibit marked 30 -- 47.

22 Do you recognize that document?

23 A. It's to me from Jack. I don't remember
24 the specific document, but it was to me.

1 Q. Okay. And -- and is this a document that
2 relates to your work on the OMS committee?

3 A. This appears to be Jack just asking me
4 about three specific accounts.

5 Q. Do you see he is asking you about the Food
6 City account in Knoxville?

7 A. Yes.

8 Q. Okay. And he is asking you about a large
9 order of OxyContin 80 milligrams?

10 A. Yes.

11 Q. Okay. And why is he -- why -- why is he
12 talking to you about this? I mean, why would Jack
13 contact you about this?

14 Is this a specific -- a suspicious order?

15 A. He asked me if we notified customers of
16 this sales increase.

17 Q. What was he -- what was the point of that?

18 A. I'd venture to say you'd have to ask Jack
19 what the point of it was, but he did ask me about the
20 notification of the customers.

21 Q. I guess my question is if Jack Crowley is
22 contacting you, is it about diversion? I mean, that's
23 his area, right?

24 A. He is concerned about the size of the

1 order.

2 Q. He is concerned about the size of the
3 order that Food City Pharmacy is looking at, right?

4 A. That's correct.

5 Q. Or is making, fair?

6 A. Correct.

7 Q. And -- and -- and the reason that this
8 e-mail is not in the materials that the OMS committee
9 reviewed is because it postdates it, fair?

10 A. I guess it postdates it.

11 Q. Yeah, if you look at Exhibit 37, the
12 report that you were looking at, Exhibit 37 is dated
13 June 2012, fair?

14 A. Yes.

15 Q. And Jack Crowley is rec -- is noting that
16 Food City in Knoxville is now ordering a large number
17 of OxyContin 80 milligrams, fair?

18 A. That's what it says.

19 Q. And he is concerned about that order?

20 MR. HOFFMAN: Object to form.

21 BY MR. STEWART:

22 Q. Is that --

23 A. It -- it appears he is concerned.

24 (WHEREUPON, a certain document was

1 marked Purdue-Seid Deposition Exhibit
2 No. 048 and No. 049, for
3 identification, as of 12/13/2018.)

4 BY MR. STEWART:

5 Q. I'm going to hand you Exhibit 48.

6 Yeah, I take it you've gathered from Jack
7 Crowley's e-mail that at that point at least one Food
8 City in Knoxville is still going strong ordering
9 Oxy-80s, right?

10 MR. HOFFMAN: Object to form.

11 BY THE WITNESS:

12 A. I saw that there was a large order at that
13 Food City in Knoxville.

14 BY MR. STEWART:

15 Q. And do you remember in the report reviewed
16 by OMS in June, what was reported to you is that there
17 were actually three Food Cities and the Bearden clinic
18 used all three of them to sell its pills, fair?

19 A. That's what it said.

20 Q. Okay.

21 MR. HOFFMAN: Object to the form.

22 BY MR. STEWART:

23 Q. So we know at least one of them is --
24 at -- at the point that Jack Crowley sent that e-mail

1 is -- is ordering OxyContin-180s [sic] to sell --
2 strike that.

3 We know that at least one Knoxville Food
4 City is ordering OxyContin 80-milligram tablets to
5 sell?

6 A. It appears that's the case.

7 MR. HOFFMAN: Mike, for your planning purposes,
8 you have about five minutes.

9 BY MR. STEWART:

10 Q. You have in front of you another exhibit.
11 Do you see that?

12 A. 48?

13 Q. Exhibit 48?

14 A. Yes.

15 Q. Okay. And what's Exhibit 48?

16 A. OMS report, September 12th, for Drug Park
17 Inc.

18 Q. And what -- what is this? Is this a
19 follow-on report? And I'll turn your attention to
20 Page 0258.

21 A. I don't know whose report this is. There
22 is -- this is not an OMS report. This -- it looks
23 like it is some kind of follow-up report.

24 Q. Well, do you see on the front cover, okay,

1 do you see on the front cover of Exhibit 48 it says:
2 "OMS Summary Report"?

3 A. Yes. But --

4 Q. What do you think the word "OMS" -- or the
5 acronym "OMS" stands for?

6 A. Order monitoring system.

7 Q. Okay.

8 A. But that doesn't mean it is an order
9 monitoring system committee report.

10 Q. Okay. What do you think it is?

11 A. Because it doesn't look like one.

12 Q. Okay. Why don't you turn to Page 0258.

13 A. Okay.

14 Q. Do you see that here it's -- the -- the --
15 the -- the headline says -- we are looking at Food
16 City Pharmacy 674 in Kingston Pike?

17 A. Yes.

18 Q. Okay. And do you see that there is a
19 discussion about an on-site visit?

20 A. Yes.

21 Q. And now that you are looking at this
22 document, do you see -- do you see -- do you recognize
23 it as a document that the OMS would have considered,
24 the OMS committee?

1 A. We would consider the information in it.

2 If you remember the format of the OMS reports, there
3 is a section for wholesaler input, and I don't know if
4 Giselle would cut and paste this or put a summary of
5 this in that section.

6 Q. And so you think this is a wholesaler
7 pitching in to tell you about -- to tell you about the
8 Food City and Bearden?

9 A. I don't know what it is unless I read it.

10 Q. Okay. Well, take a look at it.

11 A. Oh, yes, I know this guy.

12 Q. Do you recognize the report?

13 A. I don't recognize the report. I recognize
14 some of the names in the report, but not the report.

15 Q. Well, I'll turn your attention to Page 14
16 because we have to move quickly here.

17 Sir, do you see Page 14, Bates Stamp 0259?

18 A. Yes.

19 Q. Okay. Do you see that it talks about a
20 Mr. Murphy who reveals that he and an associate had
21 interviewed Frank McNeil at length over two hours
22 perhaps a year ago, and it says:

23 "Matt felt that Dr. McNeil was afraid that
24 Food City would cut off his patients the same way that

1 CVS, Walgreens and Walmart had cut them off, therefore
2 he had agreed to an interview."

3 Do you see that?

4 A. I do see that.

5 Q. Okay. What do you think this is, this is
6 a report from a wholesaler about Dr. McNeil and Food
7 City again?

8 MR. HOFFMAN: Object to form.

9 BY THE WITNESS:

10 A. I don't know for sure. Matt Murphy is the
11 vice president of pharm -- Pharma Compliance Group.
12 So that's an outside agency. There is further
13 information where it says "contact with wholesaler"
14 later on. There is further contact where --

15 BY MR. STEWART:

16 Q. Well, here --

17 A. -- Jack and Lou met with sales rep.

18 Q. Sir, I'll tell you, I'm going to hand you
19 another exhibit.

20 A. Okay.

21 Q. Tell me if you recognize that as an
22 official OMS report?

23 A. This looks like an OMS report.

24 Q. And it is, in fact, one about the Food

1 City Pharmacy?

2 A. Yes.

3 Q. Okay. And now I'm going to hand you

4 Exhibit 51 [sic]. Okay.

5 (WHEREUPON, a certain document was

6 marked Purdue-Seid Deposition Exhibit

7 No. 050, for identification, as of

8 12/13/2018.)

9 BY MR. STEWART:

10 Q. And we just had exhibit --

11 MS. PORTER: This will be 50.

12 MR. STEWART: Okay. Exhibit 50.

13 MS. PORTER: I believe you are at two hours,

14 but if you want to go ahead and ask the witness --

15 MR. STEWART: I'm going to put -- okay. Thank

16 you.

17 BY MR. STEWART:

18 Q. Here, I'll hand you Exhibit 50.

19 A. Thank you.

20 MR. STEWART: And your copies.

21 BY MR. STEWART:

22 Q. And do you recognize that document?

23 A. As meeting minutes?

24 Q. Yeah, Exhibit 50.

1 A. I recognize it is a type of OMS minutes we
2 would receive.

3 Q. And can you turn to the second page,
4 Page 2148.

5 A. 2148. You gave me two here.

6 Q. Do you see there in the center of the
7 page there is a statement:

8 "Food City Pharmacy, Knoxville, Tennessee.
9 Decision closed, suspended by McKesson"?

10 A. Yes.

11 Q. What does that mean?

12 A. That the investigation was closed and
13 McKesson stopped shipping, from what it sounds like.

14 Q. So at that point do you know whether Food
15 City is still -- is still prescribing -- or is still
16 selling OxyContin, can you tell from the meeting
17 minutes?

18 A. Oh, these are -- not from this copy of the
19 minutes for sure.

20 Q. And from those minutes you can't tell
21 whether Food City is still -- it may well be that Food
22 City even then is still prescribing, fair?

23 A. I don't know that.

24 Q. And you can't tell whether or not the OMS

1 committee ever reported Food City to the DEA or not,
2 fair --

3 A. It doesn't --

4 Q. -- from any of the documents you've seen?

5 A. It doesn't say that here, no.

6 Q. Okay.

7 Let me ask you: Do you recall that you
8 had an e-mail talking about this Food -- the -- the
9 problem of Food City and the McNeils, it was dated
10 September 2008?

11 MR. HOFFMAN: Object to form.

12 BY THE WITNESS:

13 A. I don't remember that document.

14 BY MR. STEWART:

15 Q. So, I mean, is it fair to say that --
16 well, I can refer your attention to it. I believe
17 it's --

18 A. Oh, do you mean in a previous e-mail?

19 Q. That's right, that's right.

20 A. Yes.

21 Q. You looked at an e-mail.

22 A. Yep.

23 Q. And -- and my point is: Do you -- do you
24 see that now over five years have elapsed since this

1 Food City was first brought to your personal
2 attention, and even then the record seems to suggest
3 that after all of these discussions, all of these
4 newspaper articles, it's still prescribing, it's still
5 selling OxyContin?

6 MR. HOFFMAN: Object to form.

7 BY THE WITNESS:

8 A. Is that -- is that a question?

9 BY MR. STEWART:

10 Q. It is.

11 A. It -- if it's still open and they are
12 getting OxyContin from somebody, they are selling
13 OxyContin.

14 Q. Here it seems like McKesson has stopped
15 supplying that pharmacy in 2013, fair?

16 A. Correct.

17 Q. Okay. So up to that point, McKesson up to
18 the point referenced in the minute meetings, McKesson
19 was supplying Purdue pharmaceuticals and other
20 pharmaceuticals, fair?

21 MR. HOFFMAN: Objection to form, foundation.

22 MR. STANNER: Objection to form.

23 BY MR. STEWART:

24 Q. Correct?

1 Well, we know up until this July 18th,
2 2013 minutes closed the report and say that McKesson
3 has stopped supplying, fair?

4 A. These minutes, I don't know if these are
5 the full minutes. I see that some of it is redacted,
6 so I don't know if there is any other comments in
7 here.

8 MR. HOFFMAN: Mike, you are at about 2:05.

9 BY MR. STEWART:

10 Q. I understand, but the point is -- and I'll
11 stop.

12 But the point is, what we know is that,
13 and you heard about this pharmacy in 2008 and we've
14 seen all of these documents, all of these news
15 reports, but it looks like Jack Crowley is still
16 concerned about the pharmacy ordering more Oxy-80s on
17 up until 2012, fair?

18 A. It a --

19 MR. HOFFMAN: Object to form, argumentative.

20 BY THE WITNESS:

21 A. It appears he was asking about that.

22 BY MR. STEWART:

23 Q. How -- how does the process, the OMS
24 process, ever result in anything actually happening

1 that matters in terms of stopping the flow of drugs
2 into our communities?

3 MR. HOFFMAN: Object to form, argumentative,
4 speech.

5 BY THE WITNESS:

6 A. According to the information that has been
7 provided, on the activities and procedures of the OMS
8 committee, that a minimum of 290 pharmacies were
9 reported to the DEA. I suspect the number is higher.
10 For example, those 100 to 200 by the new algorithm.

11 The DEA has taken action on some of those
12 accounts and some of those pharmacies, so that
13 restricts the flow. Even in the discussion of Food
14 City here there was notes that in discussions with ABC
15 and McKesson that the flow was restricted.

16 So there -- I -- I believe that to paint
17 the entire OMS procedure with a broad brush and say it
18 doesn't work based on what you showed me about Food
19 City is not accurate.

20 MR. STEWART: Thank you.

21 MS. PORTER: Thank you very much.

22 MR. STEWART: And -- and thank you for letting
23 me complete that line of questions.

24 MR. HOFFMAN: Let's go off the record briefly,

1 please.

2 THE VIDEOGRAPHER: We are off the record at
3 4:01 p.m.

4 (WHEREUPON, a recess was had
5 from 4:01 to 4:06 p.m.)

6 THE VIDEOGRAPHER: We are back on the record at
7 4:06 p.m.

8 EXAMINATION

9 BY MR. STANNER:

10 Q. Mr. Seid, I have what will hopefully be
11 just a few questions for you.

12 A. Okay.

13 Q. Thanks for your patience over the last
14 couple of days. My name is Dan Stanner, I represent
15 McKesson.

16 I want to just go back and -- and clarify
17 a couple of points on -- in particular relating to the
18 banner ad that we talked about yesterday.

19 Do you recall that?

20 A. Yeah, I recall that ad.

21 Q. Okay. And you recall that that was a
22 banner ad that was put on McKesson Connect, correct?

23 A. Correct.

24 Q. Let me ask you first, you talked about

1 this a little bit last time, but I want to make sure I
2 understand your understanding of McKesson Connect.

3 McKesson Connect is a system that allows
4 for bulk orders of products, right?

5 A. Um-hum.

6 MS. CONROY: Objection.

7 BY MR. STANNER:

8 Q. Is that right?

9 A. Yes.

10 Q. Okay.

11 A. I believe so, let's put it that way.

12 Q. It's --

13 MS. CONROY: Sorry. I didn't hear that.

14 THE WITNESS: I said I believe so.

15 BY MR. STANNER:

16 Q. It's a system that allows McKesson
17 customers to place orders for their inventory?

18 A. Correct.

19 Q. So a pharmacy can stock up to be prepared
20 when prescribers ultimately issue prescriptions for
21 certain types of medication?

22 A. That's correct.

23 Q. The McKesson Connect system was not a
24 system that was designed to go out to individual

1 doctors so they could do single orders for their
2 patients, correct?

3 A. No. It was a pharmacy system.

4 Q. Okay. The -- and, therefore, placement of
5 that banner ad was not designed to drive up individual
6 prescriptions, correct?

7 MS. CONROY: Objection.

8 BY THE WITNESS:

9 A. No, that was not -- that -- going back to
10 the specifics, it was -- at the time when the
11 reformulated abuse-deterrent OxyContin formulation was
12 in -- introduced to the market and the -- obviously
13 the objective was to replace the original Ox --
14 OxyContin and tremendous logistical effort was to do
15 that very quickly and working with people like Chris
16 Alverson from the McKesson on warehouse orders and
17 that kind of thing.

18 But we anticipated that the medical
19 community, particularly pharmacists, would have
20 questions about the new product. What was created and
21 approved over a long period of time was a document
22 called the FAQs about reformulated OxyContin. And it
23 was approved by our medical, legal and regulatory, of
24 course, to be factual and it came with the PI.

1 As much as it was to get out to McKesson
2 customers to stock the reformulated OxyContin, one of
3 the most important aspects, and if you saw the numbers
4 on the sheet that was attached as far as contacts go,
5 was to get eyes on that sheet to educate the
6 pharmacists.

7 Q. Okay. It was not -- was never designed to
8 go out to individual prescribers?

9 A. Never. We didn't -- we didn't go to
10 McKesson to go to the pre -- we didn't create
11 marketing programs with any wholesaler to go to
12 prescribers.

13 Q. Okay. And you said that the materials
14 that were made available to pharmacists through the
15 program were things that were developed over a long
16 period of time at Purdue?

17 MS. CONROY: Objection to form.

18 BY THE WITNESS:

19 A. It took a -- it took, you know, they have
20 to go through the medical, legal and regulatory review
21 process.

22 BY MR. STANNER:

23 Q. So at least three different departments?

24 A. Which is laborious for us who were not in

1 those three different departments.

2 Q. And each of them went through their own
3 protocols --

4 A. Protocols, that's right.

5 Q. -- to make sure --

6 A. That's right.

7 Q. -- it was appropriate?

8 MS. CONROY: Objection.

9 BY THE WITNESS:

10 A. Yes, and revised it 50 times.

11 MS. PORTER: Yeah. Let him finish.

12 MS. CONROY: Could you just give me a chance to
13 object. So just --

14 THE WITNESS: I'm sorry.

15 MS. CONROY: That's all right.

16 MS. PORTER: Let him finish.

17 THE WITNESS: It is late and we are getting --

18 MS. CONROY: I know, but we're dis --

19 THE WITNESS: I'm sorry.

20 MS. CONROY: There is no way --

21 THE WITNESS: I know that. I'm sorry.

22 MS. CONROY: -- this is going to get sped up --

23 THE WITNESS: I know. I understand.

24 MS. CONROY: -- no matter how fast we talk.

1 BY MR. STANNER:

2 Q. And we talked yesterday about how on this
3 fax blast program McKesson wasn't able to change a
4 comma --

5 A. Right.

6 Q. -- on those materials.

7 Do you recall that?

8 A. I recall that.

9 Q. Same with this banner ad, right, McKesson
10 couldn't change a comma on these things?

11 MS. CONROY: Object.

12 BY THE WITNESS:

13 A. I recalled that.

14 BY MR. STANNER:

15 Q. I'm asking you now, did that also apply
16 for the banner ads?

17 MS. CONROY: Objection.

18 BY THE WITNESS:

19 A. Yes.

20 BY MR. STANNER:

21 Q. And that's because Purdue had gone through
22 all of these internal checks to make sure it said
23 exactly what Purdue wanted it to say?

24 A. That is correct.

1 (WHEREUPON, a certain document was
2 marked Purdue-Seid Deposition Exhibit
3 No. 051, for identification, as of
4 12/13/2018.)

5 BY MR. STANNER:

6 Q. And I'll hand you what we've marked as
7 Exhibit 51. Exhibit 51 is a document entitled a
8 "Product Promotional Agreement."

9 Do you see that?

10 A. I see that.

11 Q. Are you familiar with this document?

12 A. I'm familiar with a document like this,
13 yes.

14 Q. Okay. And you see that it talks about the
15 OxyContin promotion that would run in August 2010 and
16 run for one week.

17 Do you see that?

18 A. That's correct.

19 Q. And that's the banner ad that we were
20 talking about yesterday?

21 A. That's correct.

22 Q. Okay. And you see underneath where it
23 says Ox -- OxyContin in the middle of the page, it
24 says:

1 "The contect" -- "The content of any
2 graphical ad is the sole responsibility of the
3 Perfer" -- "Purdue Pharma L.P."?

4 A. That's correct.

5 Q. And you agree that it was solely Purdue
6 Pharma who was responsible for putting that together?

7 A. That is correct.

8 MS. CONROY: Objection.

9 BY MR. STANNER:

10 Q. And that McKesson couldn't have any --
11 couldn't change it at all, had to post it as provided?

12 MS. CONROY: Objection.

13 BY THE WITNESS:

14 A. That was -- that was the agreement we made
15 to go forward is that they could not adulterate it in
16 any way.

17 (WHEREUPON, a certain document was
18 marked Purdue-Seid Deposition Exhibit
19 No. 052, for identification, as of
20 12/13/2018.)

21 BY MR. STANNER:

22 Q. Okay. And I'll hand you what we've marked
23 as Exhibit 52.

24 I guess I'll need one copy.

1 MS. PORTER: That's okay. I can see it.

2 BY THE WITNESS:

3 A. Yes.

4 BY MR. STANNER:

5 Q. Do you recognize that to be the banner ad?

6 A. I don't remember it, but it looks like
7 what it would look like.

8 Q. Okay. Do you have any reason to question
9 whether this is actually the banner ad that you
10 purchased for one week?

11 A. I have no reason --

12 MS. CONROY: Objection.

13 BY THE WITNESS:

14 A. I have no reason to question. It is from
15 2010. I would expect this is --

16 BY MR. STANNER:

17 Q. Okay.

18 A. -- the banner ad.

19 Q. And we talked yesterday when the issue was
20 brought up that you had one ad that ran as a banner
21 for one week.

22 Do you recall that?

23 A. I recall that.

24 Q. Do you recall any other banner ads for

1 OxyContin?

2 A. I don't recall any others.

3 Q. Okay.

4 A. No.

5 Q. And there was some talk about how -- well,
6 actually, the contract shows you paid \$4,500 to have
7 it on the --

8 A. I think it was 4250.

9 Q. 4250 to have it on for a week?

10 A. Um-hum.

11 Q. Are you familiar with Purdue's marketing
12 budget?

13 MS. CONROY: Objection. Misstates the evidence.

14 MR. HOFFMAN: Objection to form, foundation.

15 BY MR. STANNER:

16 Q. Are you -- are you familiar with it or is
17 it outside of your area?

18 A. My -- what I needed to do was to go to
19 marketing and request budget for -- so I don't know
20 what their marketing budget was.

21 Q. Okay. We'll ask somebody else about that.

22 MR. STANNER: Okay. Thank you.

23 MR. HOFFMAN: Go off the record again real
24 quick.

1 THE VIDEOGRAPHER: We are off the record at
2 4:14 p.m.

3 (WHEREUPON, a recess was had
4 from 4:14 to 4:28 p.m.)

5 THE VIDEOGRAPHER: We are back on the record at
6 4:28 p.m.

7 EXAMINATION

8 BY MR. HOFFMAN:

9 Q. Good afternoon, Mr. Seid.

10 A. Good afternoon.

11 Q. I guess it is early evening by now.

12 Thanks again for being patient.

13 Again, for the record, my name is Nathan
14 Hoffman. I represent Purdue and now it is my chance
15 to ask you some questions, okay?

16 A. Yes.

17 Q. I've placed in front of you a stack of
18 exhibits --

19 A. Yes.

20 Q. -- that I'd like to go through based upon
21 the previous questioning, both by Tennessee counsel as
22 well as Plaintiffs' MDL counsel.

23 And the first document I'd like for you to
24 look at is Exhibit 40. Do you that in front of you?

1 A. Yes, I have Exhibit 40.

2 Q. And, again, for the record, Exhibit 40 is
3 the report of concern dated August 22nd, 2008, that
4 you were shown by Tennessee counsel, is that right?

5 A. That's correct.

6 Q. And a report of concern like this, it
7 would be sent to -- to whom at Purdue?

8 A. Drug safety and pharmacovigilance.

9 Q. Okay. And would the legal department or
10 Robin Abrams also get reports of concern sent to them?

11 A. I'm not sure how these were triaged, but I
12 would imagine that they would go to her at some point.

13 Q. Okay. And then looking at the actual --
14 so -- so just to get our bearings here again, this is
15 from a Purdue sales rep and the Purdue sales rep just
16 happened to be reading something called the Metro
17 Pulse. He read the article in a section called "Drug
18 Zone," right?

19 Do you see that?

20 A. Yes.

21 Q. And just based upon his reading of this
22 local publication, the sales rep sent in this report
23 of concern, is that fair?

24 MS. CONROY: Objection.

1 BY THE WITNESS:

2 A. That appears to be what happened.

3 BY MR. HOFFMAN:

4 Q. Okay. Now, and if we go to the actual
5 publication, which might be a little hard to read, but
6 I'm going to try to go through it a little bit and see
7 exactly what it -- what it says.

8 On -- are you with me there, Bates ending
9 89?

10 A. Yes.

11 Q. It might be -- it might be easier if you
12 read it up on the screen. I'm going to try to blow it
13 up a little bit.

14 So the article is entitled: "Drug Zone?
15 Westwood residents allege irresponsible prescription
16 practices at neighborhood" -- "neighborhood Food City
17 and nearby clinic."

18 Do you see that?

19 A. I see that.

20 Q. And this is based upon a -- a newsletter
21 by a -- by a -- the home association.

22 Do you recall that?

23 A. I guess, yeah.

24 Q. Okay.

1 A. Yes.

2 Q. And here, in fact, it says: "The" -- "The
3 newsletter goes on to raise concerns about a nearby
4 clinic," it mentions the clinic, "Drs. Frank and Janet
5 McNeil," it says, "who did not return repeated
6 requests for comment on this story."

7 Do you see that?

8 A. I see that.

9 Q. Going down a little bit further, it says
10 that: "The allegation supposedly was reported by an
11 unnamed DEA agent."

12 Do you see that?

13 A. I see that.

14 Q. And it goes on to say: "These very
15 serious charges from the Drug Enforcement Agency's
16 Knoxville field office and unnamed 'experts' in the
17 Knoxville Police Department."

18 Do you see that?

19 A. I see that.

20 Q. It goes on to say -- there is a gentleman
21 here, "Neil Morgenstern, head of the DEA's Knoxville
22 field office, says he is not aware of anyone in his
23 office having made such a claim and cannot confirm
24 that there is an ongoing investigation into the

1 clinic, the pharmacy, or any connection between the
2 two. He does say that making these concerns in public
3 was a less than responsible thing for the organization
4 to do."

5 Do you see that?

6 MR. STEWART: Object to form.

7 BY THE WITNESS:

8 A. I see that.

9 BY MR. HOFFMAN:

10 Q. So what we know, based on this local
11 publication, is that there was -- supposedly it was
12 being reported that a DEA agent had made the -- the
13 initial report, is that right? Or he had a concern?

14 A. Are you talking about the ROC or are you
15 talking about the letter?

16 Q. No. According to this --

17 A. Yes, yeah.

18 Q. -- there is a mention of a DEA agent,
19 there is a mention of the Knoxville police department.

20 Do you see that?

21 A. I see that.

22 Q. And then, in fact, the head of the DEA's
23 Knoxville field office is reviewed for the article and
24 he comments on the article.

1 Do you see that?

2 A. I do see that.

3 Q. So we know that at least the Knoxville,
4 the head of the Knoxville DEA field office was aware
5 of this report at this time, is that fair?

6 A. It appears so.

7 Q. And then down at the bottom there is a
8 quote from an attorney. It says: "I think there is a
9 potential liability issue for defamation there."

10 Do you see that?

11 A. I see that.

12 Q. And do you have an understanding that if a
13 claim is being made by [sic] a doctor that is not
14 substantiated there could be this potential liability
15 issue?

16 MS. CONROY: Objection.

17 BY THE WITNESS:

18 A. I'm -- I'm not a -- an attorney, so I
19 don't know what the liability issues would be.

20 BY MR. HOFFMAN:

21 Q. Oh, all right. Got it.

22 But we do know that the -- the DEA was
23 aware of this publication because the DEA was
24 interviewed in correspondence with it, is that right?

1 A. That's what it says.

2 Q. Okay.

3 A. Excuse me.

4 Q. So this report of concern, just to get our
5 timeline correct, is August 22, 2008, is that right?

6 A. Yeah, it looks like it is date -- date
7 stamped the 25th, though.

8 Q. Okay.

9 And then you were shown an e-mail which is
10 in September, September 22nd, so a month later where a
11 summary of that very same article was forwarded to
12 you, is that right?

13 A. It appears so, yes.

14 MS. PORTER: We are on Exhibit 41?

15 MR. HOFFMAN: I'm sorry. We are on Exhibit 41,
16 yes.

17 BY THE WITNESS:

18 A. Yes, it appears so.

19 BY MR. HOFFMAN:

20 Q. And Tennessee counsel referred to multiple
21 news articles, I believe is what he said, but does
22 this appear to be the same article that was already
23 submitted as a report of concern or at least a summary
24 of it?

1 A. It appears to be a summary of the same
2 article in a different periodical.

3 Q. Well, it says the -- "Drug Zone," that's
4 what we looked at, right?

5 A. Yeah. The Metro Pulse, the free magazine,
6 printed an article called "Drug Zone" and it discussed
7 the list with owners.

8 Q. And so that's what we had just looked at a
9 moment ago right here, "Drug" -- you can look up on
10 the screen, Mr. Seid, so this one here, "Drug Zone"?

11 A. That's correct.

12 Q. So same -- a summary of the same article
13 and you are receiving it through another means about a
14 month later, is that right?

15 A. That's correct.

16 Q. And going to Exhibit 45.

17 A. Thank you.

18 Q. Plaintiffs' counsel showed you that at
19 some later point in time, in fact, Drs. Janet and
20 Frank McNeil were placed into what is referred to as
21 "region zero" at the company, meaning that sales
22 representatives were not to call on those physicians
23 any longer?

24 A. That's what region zero means, yes.

1 Q. And then Exhibit 43 -- and by the way,
2 that -- the e-mail for region zero is dated April 7,
3 2011, that we just looked at, is that right?

4 A. Yes.

5 Q. Okay. And then it looks like, and I --
6 this is really small, but I'm going to do my best.

7 And then there is a -- a -- a readout from
8 referral to DEA Frank McNeil and it looks like it's
9 April 12, 2011, and it says:

10 "The prescriber is one of 82 prescribers
11 referred to the DEA during a meeting between Purdue
12 and DEA on April 12, 2011."

13 Do you kind of see that?

14 A. It's making these cheap readers work very
15 hard, but I do see it here, actually, better on the
16 sheet.

17 Q. Okay.

18 So -- so as of April 12, 2011, what this
19 refers to is that Frank McNeil was one of 82
20 prescribers that Purdue was referring to DEA at that
21 time, is that right?

22 A. That's what it says.

23 Q. Okay. So when you were shown the OMS
24 committee report, which I think is where we started on

1 this issue with Tennessee counsel, that's now dated
2 June of 2012, it's Exhibit 37?

3 A. Yes.

4 Q. Do you have that in front of you?

5 So that's dated June 7th, 2012, is that
6 right?

7 A. June 7th, 2012.

8 Q. So that would be more than a year after
9 Dr. Mc -- Dr. McNeil had been referred to DEA by
10 Purdue, is that fair?

11 A. That's what it appears.

12 Q. Okay.

13 So when there is a discussion about the
14 site visit, this is over on page Bates ending 599, so
15 when there is a discussion about a -- a site visit on
16 May 24, 2012, and it talks about how the wholesaler
17 started forcing Food City's volume down, do you see
18 that?

19 A. I see that.

20 Q. And when it also refers to these
21 Drs. Frank and Janet McNeil, both region zero doctors,
22 do you see that?

23 A. Yes.

24 Q. So all of this is occurring about a year

1 after Purdue had already referred these physicians to
2 the DEA, correct?

3 A. Correct.

4 Q. Tennessee counsel also asked you about --

5 MR. STEWART: I object to the form of that.

6 BY MR. HOFFMAN:

7 Q. -- in -- in the context of Ms. Abrams'
8 PowerPoint presentation, Tennessee counsel asked you
9 about the algorithm being adjusted after the
10 reformulation.

11 Do you recall that generally?

12 A. Yes.

13 Q. Okay. Now, and he -- and he asked whether
14 or not Purdue had referred those pharmacies at that
15 time to DEA.

16 Do you recall that?

17 A. I recall that.

18 Q. Okay. Now, if you actually go into your
19 30(b)(6) materials right over there from -- from
20 yesterday, do we have them?

21 And if you look at Exhibit 3, Folder 3.

22 A. Exhibit 3, I've got it.

23 Q. And if you go to the -- the last two
24 documents in that folder for Topic 5 that you

1 testified about yesterday. I just want to -- so for
2 the record, that was Exhibit 3 to Mr. Seid's 30(b)(6)
3 deposition, Bates PPLPD004687363 is the initial
4 e-mail.

5 A. I have that.

6 Q. You have that one in front of you.

7 Dated October 7, 2011, and then it
8 attaches a spreadsheet with Bates PPLPD004687385.

9 Do you have that in front of you as well?

10 A. I have that in front of me.

11 Q. So this is an e-mail from Jack Crowley who
12 we've heard referred to many times during your
13 deposition, executive director, CSA compliance, to a
14 chief at -- it looks like at -- at the -- is that the
15 DEA, usdoj.gov?

16 A. I -- I don't know if that's DEA or
17 Department of Justice or --

18 Q. Okay. So it says:

19 "Thank you very much for" -- "for the time
20 you and Supervisory Investigators Levin and Arnold
21 spent with Robin and me on Tuesday. The list was
22 compiled by our colleague Giselle Issa, who is the
23 director of our order monitoring system program.
24 Attached please find the list that we have labeled

1 Slow Pharmacies with the new criteria - retail
2 pharmacies that have sales greater than 350,000 and
3 declined in units greater than or equal to
4 50 percent."

5 Do you see that?

6 A. Yes.

7 Q. It says: "The total of pharmacies that
8 met this criteria" -- "criteria is 285. I believe
9 that you will be able to sort them by state."

10 Do you see that?

11 A. I do see that.

12 Q. And, in fact, if we look at the
13 spreadsheet, which is the attachment, it lists the
14 criteria at the top.

15 Do you see that?

16 A. Yes, I do see that.

17 Q. And then it lists -- or it refers 285
18 pharmacies in the spreadsheet which goes on for -- for
19 multiple pages, is that right?

20 A. Yes, I see that.

21 Q. And, in fact, if we look through the
22 spreadsheet, we'll see that there are pharmacies
23 listed, and if -- you can follow along on the screen
24 because I've highlighted it.

1 A. Okay.

2 Q. You can see that there are pharmacies
3 listed from Ohio and Tennessee on Page 1. Going on to
4 Page 2, we also have Tennessee Pharmacy No. 63 and
5 Ohio Pharmacy No. 85.

6 Do you see that?

7 A. Yes, I see that.

8 Q. It goes onto the next page, and there are
9 a few more -- a couple of more Ohio pharmacies and a
10 Tennessee pharmacy?

11 Do you see that?

12 A. I see that.

13 Q. And we can go on from there. I'll just
14 show you that it goes on and lists some additional
15 pharmacies, and I've just highlighted the Tennessee
16 and Ohio pharmacies because this case -- you
17 understand this case that you are testifying about, it
18 involves cases in Ohio and Tennessee, is that right?

19 A. I understand.

20 Q. Okay. So based upon these documents, does
21 it appear that in response to the new algorithm after
22 the reformulation, that Purdue, in fact, referred it
23 looks like 285 pharmacies to DOJ?

24 A. That --

1 MS. CONROY: Objection.

2 BY THE WITNESS:

3 A. That's what it looks like.

4 BY MR. HOFFMAN:

5 Q. Do you have Exhibit 19 in front of you?

6 A. I do.

7 Q. I'd like to go now to some of Ms. Conroy's
8 questioning of you yesterday -- or maybe it was today.
9 I'm sorry. It was today, Exhibit 19.

10 I want to go back and look at -- and for
11 the record, Exhibit 19 is a October 3, 2007 e-mail.
12 This is the e-mail from Jack Crowley. It is a fairly
13 long e-mail, but it is discussing some of the aspects
14 of the SOM system at that time, is that right?

15 A. Yes.

16 Q. Okay. I just want to call your attention
17 to this highlighted paragraph, which is I guess, the
18 fourth paragraph in his e-mail.

19 He says -- and, again, this is in October
20 of 2007, he says:

21 "Our system is described in finance and
22 accounting SOP 7.7, System to Disclose Suspicious
23 Orders of Controlled Substances. I feel that this is
24 a cross-functional responsibility, however-and it

1 involves the participants in the meeting and Robin's
2 office as well."

3 Do you see that?

4 A. I see that.

5 Q. And then do you recall that you were shown
6 Exhibit 16, which I think you also have in front of
7 you.

8 A. I have it in front of me.

9 Q. Which was an e-mail that attached SOP 7.7
10 in June of 2007. I'm just turning over to that SOP.
11 Just confirm that this is, in fact, SOP No. 7.7 and it
12 has a revision date of March 12, 2003.

13 A. I see that.

14 Q. So would this have been the SOP system to
15 disclose suspicious orders of controlled substances
16 that would have been in place in or around mid 2007?

17 MS. CONROY: Objection.

18 BY THE WITNESS:

19 A. I -- what that is is a finance department
20 SOP for suspicious orders of controlled substances.

21 BY MR. HOFFMAN:

22 Q. Okay. And, in fact, the SOP recites the
23 DEA regulations, some of which we talked about earlier
24 today, 21 CFR 1301.74?

1 A. Correct.

2 Q. But it appears from this SOP that at this
3 time it says:

4 "Procedure for customer service. It says:
5 "They review each order for unusual quantities or any
6 other deviation from the customer's regular order
7 pattern."

8 Do you see that?

9 MS. CONROY: Objection.

10 BY THE WITNESS:

11 A. Yes.

12 BY MR. HOFFMAN:

13 Q. So this -- that wouldn't be you at this
14 time, that would be a function of the customer service
15 department?

16 A. That is what it says, yes.

17 Q. It goes on to say:

18 "If any deviations are found, the CSR will
19 submit the customer's purchase order to the senior
20 management of customer service or the senior director
21 of finance operations for further review as outlined
22 in Section 6."

23 Do you see that as well?

24 A. Yes, I do see that.

1 Q. And finally down here at the bottom, it
2 says:

3 "Communication of spesh" -- "suspicious
4 orders. The director of credit will provide the
5 associate general counsel with all of the information
6 gathered from credit services, customer service,
7 national sales and Purdue's security group and make an
8 order recommendation. The law department will
9 determine if further investigative steps are required
10 and if the findings should be reported to the field
11 office of the DEA."

12 Do you see that?

13 A. I see that.

14 Q. So at least from the exhibit that
15 Plaintiffs' counsel showed you, which is Exhibit 16
16 back in mid 2007, which at least was sent to you at
17 that time, it does appear that a suspicious order
18 monitoring system was in place but it was being
19 handled by different departments and reported up at
20 least differently at that time, is that fair?

21 A. That --

22 MS. CONROY: Objection.

23 BY THE WITNESS:

24 A. What it appears.

1 BY MR. HOFFMAN:

2 Q. It just concludes, it says:

3 "In the event the order needs to be
4 reported to the DEA field office, Purdue's president
5 and chief executive officer will be notified."

6 Do you see that?

7 A. I see that.

8 Q. Now, going back to 19 real quick, 19 also
9 references that around this time in October of 2007,
10 and I'll refer you to the fifth paragraph on the
11 second page, which is Bates ending 2947, it talks
12 about how at this time you were getting involved with
13 the fee-for-service data and it says:

14 "Steve is now analyzing that data and
15 discussing orders that appear to be suspicious,
16 analyzing patterns of ordering and looking for
17 patterns that are out of the ordinary."

18 Do you see that?

19 A. I do see that.

20 Q. And that -- and in -- at this time that's
21 what, in fact, you were -- you were doing in 2007 was
22 looking at these data and trying to analyze it in that
23 fashion, is that right?

24 A. Yes.

1 Q. Okay. It talks about your system alerted
2 the group to a -- an account in Florida.

3 Do you recall discussing that with
4 Tennessee counsel earlier?

5 A. Yes.

6 Q. And then Crowley's e-mail concludes by
7 saying:

8 "We will always consider improving the
9 process and further developing best practices."

10 Do you see that?

11 A. Yes.

12 Q. And can you tell us whether or not that
13 was the general attitude of the group, would be to
14 always consider improvements and developing best
15 practices?

16 MS. CONROY: Objection.

17 BY THE WITNESS:

18 A. What the group tried to do, as we thought
19 about it and experienced working with it, was that if
20 there were other sources we could tap into that would
21 be beneficial in our review, we would do so.

22 BY MR. HOFFMAN:

23 Q. Okay. And then Ms. Conroy showed you
24 Exhibit 20.

1 Do you have that in front of you?

2 A. Yes, I do.

3 Q. Exhibit 20 is -- these are the rough draft
4 of minutes from a little -- it looks like it is now
5 February of 2008 and part of what's being considered
6 at that time, it says a couple of things at the end of
7 the minutes:

8 "Finance SOP 7.7 may need to be updated"
9 and then the action item is: "Update SOP 7.7."

10 Is that right?

11 A. Yes.

12 Q. And, in fact, did -- did that occur?

13 A. I don't know --

14 MS. CONROY: Objection.

15 BY THE WITNESS:

16 A. I don't know if 7.7 was updated, but we
17 did develop a -- an OMS subsequently to that meeting.

18 BY MR. HOFFMAN:

19 Q. Okay.

20 A. A different OMS, I guess, from 7.7.

21 (WHEREUPON, a certain document was
22 marked Purdue-Seid Deposition Exhibit
23 No. 053, for identification, as of
24 12/13/2018.)

1 BY MR. HOFFMAN:

2 Q. So I'll just mark for the record as Seid
3 Exhibit 53 --

4 A. Thank you.

5 Q. You just mentioned a -- a subsequent SOP
6 on the OMS system, and can you just confirm for the
7 record that this SOP dated March 23, 2009 is that SOP
8 that you just referred to?

9 A. Yes.

10 Q. So we know that as of this date the SOP
11 had moved from finance over into a -- a different
12 group that included the general counsel, national
13 accounts, corporate security and CSA compliance, is
14 that right?

15 MS. CONROY: Objection.

16 BY THE WITNESS:

17 A. The only thing I don't know is whether
18 this 7.7 still existed in some format revised or
19 otherwise.

20 BY MR. HOFFMAN:

21 Q. Okay.

22 A. I -- this is the one I focused on.

23 Q. In response to some questions by Tennessee
24 counsel you mentioned something called RxPATROL?

1 A. Yes, I did.

2 Q. And is that something that you were
3 familiar with during your time at Purdue?

4 A. Yes, it was.

5 Q. There has been some discussion in other
6 depositions about RxPATROL. But I want to ask you
7 about it and see if it is something that you were
8 involved with.

9 (WHEREUPON, a certain document was
10 marked Purdue-Seid Deposition Exhibit
11 No. 054, for identification, as of
12 12/13/2018.)

13 BY MR. HOFFMAN:

14 Q. So I'll hand you Seid Exhibit 54.

15 A. Yes.

16 Q. And for the record, Exhibit 54 appears to
17 be something from the www.rxpatrol.org website that
18 discusses the RxPATROL program, is that right?

19 A. Yes.

20 Q. And it looks like it is dated, I don't
21 know if I can -- it looks like it is dated 2008.

22 Do you see that?

23 A. I think --

24 Q. It is hard to see it on the...?

1 A. Yeah, it's hard to see and...

2 Q. Okay. I don't know if that's any better.

3 But anyway, I believe you described
4 earlier generally what -- what RxPATROL was when you
5 were being questioned by Tennessee counsel, but I just
6 want to go through a couple of these points with you.

7 A. Okay.

8 Q. It mentions that R -- strike that. Let me
9 back up.

10 Do you recall when -- when Purdue first
11 started this particular program, RxPATROL?

12 A. I am -- my recollection is, and I use Jim
13 Lang's retirement as a benchmark for the time there,
14 because it was before his retirement, it was either
15 late 2002 or early 2003.

16 Q. Okay. And were you involved in some form
17 or fashion with RxPATROL since its in -- its
18 inception?

19 A. Yes, I was.

20 Q. And in what -- what way were you involved?

21 A. Pharmacy robbery and pharmacy theft, which
22 one of the things I learned from the place that I was
23 working, the people I was working with, are two
24 different things, were prevalent for opioids,

1 including Purdue's opioids in the early 2000s.

2 One area that was particularly hit hard
3 was Massachusetts. There was an outcry from our
4 retail customers at corporate and at the store level
5 is somebody needs to do something. And they looked to
6 us because we sold opioids.

7 In discussion with my supervisor at that
8 time, who was James Lang, and a newly hired VP of
9 corporate security, Aaron Graham, we decided to
10 schedule a meeting in Boston, I believe it was at the
11 Parker house, for about two-thirds of the day,
12 inviting all of the chains and representative from the
13 National Community of Pharmacists Association, which
14 represents independent pharmacists, to come to the
15 meeting. There was, I'm guessing, about, as I
16 remember, maybe 25 people invited, 25 different
17 organizations and maybe 35 people invited.

18 And quite frankly, we, at the time said we
19 will be standing in an empty room or we'll have a
20 packed house. We had no idea. But it was a hot topic
21 and the room was full, representatives from CVS,
22 Walgreens -- I believe Walgreens was there -- the
23 chains up in that area, NCPA was represented.

24 And what the big issue was was that these

1 pharmacies -- robberies were taking place, that there
2 was no database available, that different
3 jurisdictions were not speaking to each other, and
4 particularly in Massachusetts, being a commonwealth,
5 there were dozens of sheriffs' offices and that kind
6 of thing.

7 So what was proposed, and actually Aaron
8 came up with the idea, is that you need a database so
9 that you can start talking to each other, help
10 apprehend these people. And it became a very
11 productive meeting which did last the entire time we
12 had booked the room for.

13 Long story short, we went back and
14 created, "we" being Purdue, created that, under the
15 guidance and our own grants department, a repository
16 for this information, we hired an outside source to
17 analyze it, because we wanted active law enforcement,
18 so it was an active Stanford police captain.

19 And RxPATROL was born and where my group
20 got involved was recruiting pharmaceuticals to
21 participate, because the more information we had, the
22 more eyes on it, the better.

23 Q. Okay.

24 A. It became a very robust and very popular

1 website. I don't know the exact numbers, but they had
2 data to show that it had -- this information from
3 this -- and it also was for law enforcement, that
4 information from this website resulted in numerous
5 arrests.

6 So you see on the back, not only was it
7 endorsed by the pharmacy community, but it was
8 endorsed by the National Association of Drug Diversion
9 Investigators, LEEDA also supported it, which is the
10 Laud -- the Law Enforcement Executive Development
11 Association of the FBI. So it was something that we
12 provided as a service to the pharmacy community.

13 Q. Okay. So you referred to LEEDA, and
14 that's -- that's a -- a branch of -- of the FBI, is
15 that what you said?

16 A. That's a -- an Executive Development
17 Association --

18 Q. Okay.

19 A. -- of the FBI.

20 Q. And so, in part what this is referring to
21 is that FBI Law Enforcement Executive Development
22 Association was joining in endorsing the RxPATROL --
23 RxPATROL that was being initiated by Purdue at that
24 time, is that right?

1 A. Um-hum, yes.

2 Q. And then you mentioned NADDI, that's the
3 National Association of Drug Diversion Investigators?

4 A. National Association of Drug Diversion
5 Investigators.

6 Q. Okay. And it looks like it actually
7 launched, it looks like, in mid 2000 and -- and '3, is
8 that right?

9 A. Yes. It launched very quickly after that
10 meeting.

11 Q. Okay. And then if we just go back just to
12 confirm, it mentions that the RxPATROL system, and
13 RxPATROL stands for Rx Pattern Analysis Tracking --
14 Tracking Robberies and Other Losses.

15 Do you see that?

16 A. Correct.

17 Q. It says it collects, analyzes and shares
18 information to do three things, among other things,
19 help protect pharmacists, guard against potential
20 robberies and burglars, and then assist law
21 enforcement to apprehend and successfully prosecute
22 those engaged in pharmacy theft of controlled
23 substances.

24 Do you see that?

1 A. That is correct.

2 Q. And is that generally -- based upon your
3 experience, is that generally correct that those were
4 some of the functions of RxPATROL?

5 A. Those were some of the functions.

6 Q. It also talks about it uses state of the
7 art computer program to collate, analyze and
8 disseminate information to the law enforcement
9 community, analyzing patterns to create profiles of
10 vulnerable pharmacies and of effective security
11 systems for deterring burglars and robbers.

12 Based upon your experience, are those some
13 of the other functions that it served --

14 A. Yes.

15 Q. -- the RxPATROL system?

16 A. It was.

17 Q. Okay. And you mentioned the -- the
18 RxPATROL website just a -- a minute ago?

19 A. Yes.

20 Q. I noticed that, if we go to Exhibit 7,
21 which I think you have in front of you.

22 A. I do.

23 Q. I noticed that in one of the PowerPoint
24 presentations that was shown -- shown to you by

1 Ms. Conroy, there was a fairly detailed discussion of
2 RxPATROL.

3 It's -- there are no Bates numbers on this
4 portion of Exhibit 7, but if you go in quite a ways,
5 the page that I want to ask you about looks like this.

6 A. "Keeping your pharmacy safe and secure."

7 Well, it has got to be around here
8 somewhere.

9 Q. Yeah, yeah, it's just -- there it is.

10 A. Yeah.

11 Q. Okay. So was this a -- is this at least a
12 snapshot of what the RxPATROL --

13 A. Yes.

14 Q. -- website --

15 A. Yes.

16 Q. -- would have looked like?

17 It say -- it says as of January 7, 2010.

18 Do you see that?

19 A. Right.

20 Q. It looks like, among other things it -- it
21 talks about collaborating with crime stoppers and
22 providing -- in fact, providing awards for referrals
23 that led to arrests.

24 Do you see that?

1 A. Yes.

2 Q. It mentions, among other things, a
3 pharmacy security checklist.

4 Do you see that referenced over here --

5 A. Yes.

6 Q. -- on the left?

7 It mentions training videos.

8 Do you see that as well?

9 A. Yes.

10 Q. And then if we go in and look at some of
11 the additional pages here, I've got a page with at
12 least some of the training videos that were available
13 at that time, is that right?

14 A. Yes. But that -- that screen shot that's
15 there -- oh, I'm sorry. I'm looking further on. Yes.
16 There is just some of the training and videos.

17 Q. So this would be some of the training
18 videos, including videos on pharmacy safety among
19 other things.

20 Do you see that?

21 A. Yes.

22 Q. The website also had what's referred to as
23 a pharmacy sec -- security checklist --

24 A. Yes.

1 Q. -- is that right?

2 A. Yes, they did.

3 Q. And then is -- is this, in fact, the
4 checklist that was provided to pharmacies to help them
5 ensure that their pharmacies were as safe and secure
6 as possible?

7 A. Yes, it was.

8 Q. And who came -- who came up with the
9 checklist? I see NADDI referenced up there. I don't
10 know if that --

11 A. They may have been involved, but it was --
12 all -- all of the material for this was developed by
13 the -- the folks in corporate security.

14 Q. Okay. Then if you turn to the next page,
15 it looks like it's a document with some facts
16 regarding RxPATROL. Don't worry, I'm not going to go
17 through all of this.

18 But at least here it says as of August of
19 2008, it says: "To date, RxPATROL is credited with 56
20 arrests for pharmacy crimes."

21 Do you see that?

22 A. Yes.

23 Q. And it talks about some of the individuals
24 involved. It says:

1 "RxPATROL was created and is funded by
2 Purdue Pharma L.P. The program is operated by Captain
3 Richard Conklin, a 27-year veteran of the Stanford,
4 Connecticut Police Department. Captain Conklin is a
5 graduate of the FBI National Academy and is a
6 nationally-recognized law enforcement consultant.
7 RxPATROL was conceived by Aaron Graham" --

8 Is that who you mentioned a moment ago?

9 A. Yes.

10 Q. -- "vice president and chief security
11 officer for Purdue Pharma. Mr. Graham is a former
12 special agent with Drug Enforcement Administration and
13 the Food and Drug Administration's Office of Criminal
14 Investigations."

15 Do you see that?

16 A. Yes.

17 Q. Now, is RxPATROL something that was
18 required by any regulator or law enforcement body
19 for -- for Purdue to come up with and to -- to
20 organize or -- or to do?

21 A. No. Nobody asked us to do that. That
22 was...

23 Q. And is RxPATROL still in existence as far
24 as you know?

1 A. I don't know.

2 Q. Okay. When you left the company in May
3 of 2014, was it still in --

4 A. It was still in existence.

5 Q. Finally, do you have Exhibit 13 in front
6 of you?

7 A. I do.

8 Q. Exhibit 13 was a document shown to you by
9 Ms. Conroy, it may have been yesterday, it may have
10 been today, I don't recall, but it's dated
11 September 13th, 2010, and it refers to a -- it refers
12 to some materials that were being provided through the
13 McKesson website.

14 Do you recall that?

15 A. That's correct.

16 Q. And it mentions specifically the OxyContin
17 reformulation FAQ --

18 A. Yes.

19 Q. -- fact sheet.

20 Do you see that?

21 A. Yes.

22 Q. Is that what you referred to earlier in
23 your testimony in response to McKesson counsel's
24 questions referred to FAQ --

1 A. Yes.

2 Q. -- fact sheet on the reformulation?

3 A. Yes.

4 Q. Is it -- okay.

5 So let me hand to you, it's Exhibit 55.

6 (WHEREUPON, a certain document was

7 marked Purdue-Seid Deposition Exhibit

8 No. 055, for identification, as of

9 12/13/2018.)

10 BY THE WITNESS:

11 A. Thank you.

12 BY MR. HOFFMAN:

13 Q. It is --

14 A. Hard reads.

15 Q. It is an e-mail also dated in September
16 of 2010.

17 A. Correct.

18 Q. And it attaches "Oxy ORF FAQ fact
19 sheet.pdf."

20 Do you see that?

21 A. Yes.

22 Q. And for the record, this is

23 PPLPC004000248927.

24 And can you just confirm for me that this

1 is, in fact, the -- the OxyContin FAQ fact sheet on
2 the reformulation?

3 A. Yes, it is.

4 Q. And actually, if we -- if we look at the
5 first page, you refer to a box warning I think earlier
6 in your testimony?

7 A. Yes.

8 Q. And the very first page of this FAQ fact
9 sheet includes the box warning on the importance of
10 proper patient selection and potential for abuse, is
11 that right?

12 A. Yes.

13 Q. Okay. We won't go through all of it, but
14 it also advises the reader to read the accompanying
15 full prescribing information.

16 Do you see that?

17 A. That is correct.

18 Q. And -- and then it goes through a series
19 of -- of questions.

20 And so what -- what would be the -- the
21 purpose of providing this type of document through a
22 wholesaler?

23 MS. CONROY: Objection.

24 BY THE WITNESS:

1 A. This was provided through Kroger, which is
2 a retailer.

3 BY MR. HOFFMAN:

4 Q. Okay.

5 A. But the reason to provide it, and it's
6 interesting because there is a copy of -- there is an
7 e-mail chain here which I don't remember, but I see it
8 now, is that Bob Breetz, who I think is retired, and
9 they got their product through Cardinal, Cardinal is
10 also addressed here, it appears to be a request from a
11 Kroger employee to Bob and Card -- and Cardinal Health
12 about the transition from old OxyContin to new
13 OxyContin. And it -- this is great to -- great to see
14 we had a solution to their question: "Do either or
15 you have any information from the manufacturer about
16 the change?" And that's what this was -- we
17 anticipated that would be a concern, so we prepared
18 this FAQ sheet.

19 And the reason we asked our retailers and
20 wholesalers to distribute it was an opportunity for
21 education, because not only did it contain answers to
22 frequently asked questions, but it contained the new
23 and most recent FPI.

24 And as we noted in the McKesson situation,

1 I testified to that a couple of times, is that we
2 required that our information went out as approved and
3 with the full patient insert -- full patient insert --

4 Q. Okay. But --

5 A. -- full package insert.

6 Q. But just to be clear, what -- what I've
7 shown here, I know it's in a separate e-mail, but
8 this -- this would be the same FAQ?

9 A. The same FAQ that went out with the --

10 Q. It went -- went out through McKesson?

11 A. McKesson, yes.

12 Q. Okay. And you mentioned it had a number
13 of frequently asked questions. I won't go through all
14 of them, but the very first question is: "The ref" --
15 "Is the reformulated OxyContin harder to abuse?"

16 Do you see that one?

17 A. Yes, that was...

18 Q. And there was a response to that, as well
19 as: "Is this a tamper-resistant formulation of
20 OxyContin?"

21 And it goes through a whole series of
22 questions that a pharmacist, for example, may have, is
23 that right, or may get?

24 A. A pharmacist or their patients may have.

1 Q. Okay. All right. Got it.

2 MR. HOFFMAN: Okay. Mr. Seid, those are all of
3 the questions I have at this time. Thank you.

4 THE WITNESS: Thank you.

5 THE VIDEOGRAPHER: We are off the record at
6 5:09 p.m.

7 (WHEREUPON, a recess was had
8 from 5:09 to 5:20 p.m.)

9 THE VIDEOGRAPHER: We are back on the record at
10 5:20 p.m.

11 FURTHER EXAMINATION

12 BY MS. CONROY:

13 Q. Mr. Seid, you were shown Exhibit 53, which
14 I think we also looked at yesterday or the day before,
15 which is the general counsel SOP double -- 0007.

16 Do you see that?

17 A. I see that.

18 Q. And you talked about this coming into
19 effect in March of 2009, correct?

20 A. That's what it's dated.

21 Q. Okay. And so that's what -- that would be
22 when it became effective?

23 A. That's when the SOP is effective.

24 Q. Okay. You don't know one way or the other

1 whether SOP 7.7 for the finance department was still
2 in effect at this time, do you?

3 A. I believe I -- I noted that previous
4 testimony that I did not know.

5 Q. So for all you know, 7.7 is still in
6 effect?

7 A. I don't know that. I have no idea about
8 that.

9 Q. Right. You don't -- you don't know one
10 way or the other?

11 A. Right, yeah.

12 Q. Okay. So it's -- you --

13 A. That's safe to say.

14 Q. Thank you.

15 Exhibit 43 that you were shown, is this a
16 screen shot from the suspicious order monitoring
17 database?

18 A. No. I don't -- no. This is a referral
19 document.

20 Q. Do you know what -- you don't think this
21 is part of a -- of a database?

22 A. This -- this has got physicians, not
23 pharmacies.

24 Q. Cor -- correct.

1 Do you know what this document comes from?
2 Is this coming from a computer screen? Do you have
3 any idea?

4 A. I have no idea. This is nothing to do
5 with the O -- the OMS that I was involved in.

6 Q. Okay. Let me show you this document here
7 which appears to be a screen shot. It's
8 PPLPC004000245483 through 86. I'll mark it as
9 Exhibit 56.

10 (WHEREUPON, a certain document was
11 marked Purdue-Seid Deposition Exhibit
12 No. 056, for identification, as of
13 12/13/2018.)

14 BY MS. CONROY:

15 Q. Does that look familiar to you at all?

16 A. The type of document is familiar to me,
17 yes.

18 Q. Would this have been something you would
19 see on a -- is -- is this a screen shot of the
20 suspicious order monitoring database?

21 A. I --

22 Q. Do you want to look at it? Here, let me
23 pass --

24 A. Yeah, that would certainly help.

1 Q. That's how I received it in hard copy like
2 that, but it looks to me like it's a screen shot?

3 A. Yeah, that -- that is a screen shot.

4 Q. So do you see down at the bottom there are
5 some very -- very fine print under Notes?

6 A. Yes.

7 Q. Are those the -- are those the sorts of
8 notes that would have been input by different
9 individuals into the database as information was
10 collected on various topics?

11 A. That's what it looks like, yes.

12 Q. And this -- they would then become part of
13 the suspicious order monitoring database?

14 A. Yes, they were included in the database.

15 Q. And would they have been available --
16 would -- would the information on the database been
17 available to you on the OMS committee?

18 A. Yes, this information would be OMS
19 available data.

20 Q. Can I take a look at it?

21 And do you see up in the right-hand corner
22 there are different tabs you could -- is that
23 something that you could click on with your mouse?

24 A. Yes.

1 Q. And then this would also tell you the name
2 of the -- if you -- if you take a look at the first
3 page, it looks like it's isolating the customer Izz
4 and Sons, do you see that, doing business as Roberts
5 Drugstore in Miami?

6 A. Yes.

7 Q. And then if you turn the page, there is a
8 status box, and it looks like it says: "Complete
9 referred."

10 Do you see that?

11 A. I can't see that from here.

12 Q. Oh, I -- it is kind of -- yeah, I can --
13 I'll pass it back to you again, but if it says
14 "complete referred," does that mean it was referred to
15 the DEA?

16 A. Yes.

17 Q. Okay. And then here it has the rep
18 information. Those are --

19 A. Yep.

20 Q. -- the sales reps?

21 A. That's correct.

22 Q. And where does that come from, who puts
23 that information into the database?

24 A. Not being a -- a systems expert, my

1 supposition is, is that there is a zip to territory
2 overlay.

3 Q. Oh, I see. So it would sort of -- it
4 would automatically populate?

5 A. It would populate it.

6 Q. I see.

7 And do you see here on the notes where you
8 see "CROWLEY J" in -- capitalized, and then --

9 A. Yeah.

10 Q. -- the text?

11 If you entered a note, would it have
12 "SEID" capitalized?

13 A. Yes.

14 Q. That -- that happens automatically?

15 A. Yes.

16 There -- noted there the special agent
17 that Jack had made a referral to.

18 Q. That's Special Agent Griffith?

19 A. Um-hum.

20 Q. And he made that ref -- referral in
21 August, August 13th of 2008?

22 A. Yes. That's what it appears, but it notes
23 it.

24 Q. And then -- okay.

1 Oh, actually, we'll lose this if I do
2 that. Let me give this back -- let me put that over
3 to you so we don't lose it.

4 A. Okay. It goes in this pile.

5 Q. This is PPLPC033000006038. I'll mark it
6 as Exhibit 57.

7 (WHEREUPON, a certain document was
8 marked Purdue-Seid Deposition Exhibit
9 No. 057, for identification, as of
10 12/13/2018.)

11 BY MS. CONROY:

12 Q. If you can take a look there, and I'll be
13 happy to pass it over to you, and what I'm going to
14 ask you about this, does this likewise look to be a
15 screen shot of the suspicious order monitoring
16 database?

17 A. I'm not sure what this is. It may be. It
18 looks it -- to be a different format.

19 Is there a date on here?

20 Q. That's the way it was produced to me, so I
21 don't know anything more about it.

22 A. (Witness reading to himself.)

23 This looks like -- I don't know if this is
24 an early version or some kind of a summary report, but

1 what you showed me previously looked like the more
2 typical report that would go -- that we would use.

3 Q. Okay.

4 A. But this one also was in reference to a
5 referral, I see.

6 Q. It was a reference to a DEA referral?

7 A. Yeah.

8 Q. And you can tell that because it says up
9 here --

10 A. "Complete referred."

11 Q. -- it's a "complete referred."

12 Does it mean anything to you up here at
13 the top it says "Purdue OMS," does that mean anything
14 to you?

15 A. It may have been a -- one of the types of
16 screen shots and it may be an earlier version. I'm
17 more familiar with the first one you showed me.

18 Q. Exhibit 56 that I showed you?

19 A. And the more we used it the more
20 sophisticated it got and the more sophisticated it
21 looked.

22 Q. So you think Exhibit 57 may be a --

23 A. An earlier version.

24 Q. -- an earlier version of the suspicious

1 order monitoring database?

2 A. Yes.

3 Q. Okay. I'll give you that.

4 You were shown this document by

5 Mr. Hoffman. You also produced it as part of the

6 30(b)(6) deposition.

7 What is meant by the term, it says:

8 "Attached please find the list that we have labeled

9 Slow Pharmacies."

10 What does -- what did -- what does that

11 mean, "slow pharmacies"?

12 MS. CONROY: Do you have the exhibit number

13 there?

14 MS. PORTER: I think it's a -- this is a

15 page from Exhibit 3 to the 30(b)(6) deposition which

16 would be in the manila folder.

17 THE WITNESS: It's right -- it is right here.

18 MS. PORTER: Great.

19 THE WITNESS: I kept it handy. It is easier for

20 me to read.

21 BY THE WITNESS:

22 A. Okay. This was dated 2011?

23 BY MS. CONROY:

24 Q. Correct, October 7th, 2011 --

1 A. Now this --

2 Q. -- from Jack Crowley.

3 MS. PORTER: Just to be clear, we are talking
4 about this is the one with 7363 at the bottom?

5 MS. CONROY: Yes.

6 BY THE WITNESS:

7 A. This is the one that -- this would have
8 referenced those pharmacies, it appears, that showed a
9 decrease, I guess that's why Jack is calling them
10 "slow," a decrease from prior levels after the
11 formulation changed and these -- was a list of 285
12 pharmacies referred to the DEA.

13 BY MS. CONROY:

14 Q. Whose per -- when you say referred to the
15 DEA, what do you mean by that?

16 A. He provided -- well, I shouldn't say
17 referred. Well, maybe -- I don't know if referred is
18 the right word, but this was a list provided after
19 this meeting with the investigators, Robin and Jack
20 and I believe it was at the DEA and they provided the
21 entire list of 285 pharmacies. This is the
22 attachment.

23 Q. And those are pharmacies that Mr. Crowley
24 called "slow pharmacies" because their prescribing of

1 OxyContin decreased after the reformulation?

2 A. Decreased dramatically, yes, after the --

3 Q. You don't know if the pharmacies that are
4 listed here were referred to the DEA as -- as
5 suspicious?

6 MR. HOFFMAN: Object to the form.

7 BY THE WITNESS:

8 A. I was not privy to their discussion.

9 BY MS. CONROY:

10 Q. So you don't know?

11 A. I'm sure they -- well, I shouldn't say I'm
12 sure, but it doesn't appear that they would be
13 referred for any other reason than that they were
14 pharmacies of concern.

15 Q. So you think -- so this was the same sort
16 of referral as what we saw come out of the OMS
17 committee --

18 A. Yeah --

19 Q. -- when the DEA -- when we saw in those --
20 in those other documents where it says "complete
21 referred"?

22 A. Right.

23 Q. There were -- there were referrals to the
24 DEA and the DEA number assigned for every one of these

1 Crowley-called slow pharmacies?

2 A. The DEA assigned, I'm -- I'm not sure what
3 you mean.

4 Q. Well, let me ask it again then.

5 We looked at some documents today that
6 ref -- that referenced a referral to the DEA?

7 A. Correct.

8 Q. Because it was a decision made by the
9 legal -- by Robin Abrams and the committee that the
10 pharmacy should be reported to the DEA, correct?

11 A. Correct.

12 Q. And we -- you referred to those as being
13 referred to the DEA?

14 A. Correct.

15 Q. Is this the same thing, were all of these
16 pharmacies in the same manner discussed at the
17 committee and referred to the DEA?

18 MR. HOFFMAN: Object to form.

19 BY MS. CONROY:

20 Q. Or is this something different?

21 A. I don't know if they were all discussed.
22 This list was discussed. And based on this meeting
23 that was referenced, they were provided to the DEA.

24 Q. And do you know if this list was likewise

1 provided to the supplier of -- the -- whoever was
2 supplying these pharmacies?

3 A. I don't know that.

4 Q. Who would know that?

5 A. Perhaps Jack, perhaps Robin.

6 Q. And are the -- DEA is DOJ, same e-mail
7 address?

8 A. I -- I'm -- I -- I suppose that's DEA. I
9 don't know. I don't know who else they would be
10 meeting in the Department of Justice, but...

11 Q. Well, do you know if -- if Barbara
12 Boockholdt is with the Department of Justice or with
13 the DEA?

14 A. I -- I don't know that.

15 Q. What about Leonard Levin who has a DOJ
16 e-mail address?

17 A. He is a -- he and James Arnold are
18 supervisory inspectors, investigators.

19 Q. For the DEA?

20 A. I don't know.

21 Q. You just -- you know they are supervisory
22 investigators because you are -- you are taking a look
23 at the e-mail, correct?

24 A. Correct.

1 Q. But you don't know -- you don't know who
2 they work for?

3 A. I don't know who they work for.

4 Q. Okay. Is there anything on this document
5 that would lead you to believe that this was a
6 communication with the DEA?

7 A. I can't say for sure it was the DEA. It
8 was some -- it was a -- apparently some type of law
9 enforcement in the Department of Justice which could
10 be the DEA.

11 Q. But you don't know?

12 A. I don't know.

13 Q. And does that mean that you don't know
14 whether this list of slow pharmacies was actually
15 supplied to the DEA or to the DOJ?

16 A. I don't know exactly who it was referred
17 to.

18 Q. You -- you don't know, it's not just
19 exactly, you don't know at all, right?

20 A. I -- no. I only know by this document.

21 Q. Right.

22 A. That this information was provided to a
23 Chief Boockhart -- Boockholdt in the Department of
24 Justice.

1 Q. And -- and that's all we can tell from
2 this, right?

3 A. Yes. I wasn't at the -- this meeting.

4 Q. And -- and you weren't a part -- you don't
5 know whether -- whether these pharmacies were referred
6 to the DEA or not?

7 A. I don't know what was done with them
8 afterwards, but I'm assuming the list was provided to
9 whoever this law enforcement official was because they
10 were pharmacies of concern.

11 Q. So you consider the DOJ and the DEA the
12 same thing?

13 A. No, I don't. I'm just saying they were
14 referred to a -- some law enforcement agency.

15 Q. And -- and that's what I'm trying to
16 clarify.

17 What you understand reading this document,
18 you weren't a part of it, is the best you can tell,
19 the list of pharmacies was referred to the DOJ,
20 correct?

21 A. That's what it looks like.

22 Q. You have no idea if it was referred to the
23 DEA?

24 A. I don't know it was --

1 MR. HOFFMAN: Object to the --

2 BY THE WITNESS:

3 A. -- if it was referred to the DEA.

4 MR. HOFFMAN: Sorry.

5 Object to form.

6 BY MS. CONROY:

7 Q. You were very proud of RxPATROL, correct?

8 A. Yes, I am.

9 Q. And you were proud enough you -- it was
10 something that you hoped to increase the visibility
11 of, correct?

12 A. Yes.

13 Q. And it was something that you hoped all of
14 your customers would use and take advantage of,
15 correct?

16 A. Correct.

17 Q. And is that the reason, do you know, that
18 it was also provided to McKesson to circulate with all
19 of its customers?

20 A. We provided it to wholesalers to circulate
21 to their customers, yes.

22 Q. And that was to increase the visibility,
23 correct?

24 A. The visibility, yes.

1 Q. Do you know if that was something that you
2 did without getting paid or did you -- did you -- did
3 you --

4 A. I don't --

5 Q. -- pay for McKesson to circulate it, do
6 you know?

7 A. I don't think so, but I don't know. I
8 don't remember.

9 Q. But in any event, you believed that would
10 increase the possibility that it would be read if it
11 was, in fact, circulated through the wholesalers?

12 A. Yes.

13 Q. I'm going to show you what -- I'll show it
14 up on the screen. I'll mark it Exhibit 58,
15 MCKMDL00353316.

16 (WHEREUPON, a certain document was
17 marked Purdue-Seid Deposition Exhibit
18 No. 058, for identification, as of
19 12/13/2018.)

20 BY MS. CONROY:

21 Q. This is a McKesson Manufacturing --
22 Manufacturer Marketing prepared for Purdue Pharma,
23 August 20th of 2012, concerning RxPATROL.

24 Do you see that?

1 A. I see that.

2 Q. And it says here the:

3 "Objective: "McKesson offers the
4 following awareness and education programs which can
5 be utilized by Purdue Pharma L.P. to educate and
6 generate awareness to pharmacists regarding the x" --
7 "RxPATROL initiative and the valuable resources on
8 pharmacy security available from RxPATROL."

9 Do you see that?

10 A. I see that.

11 Q. And then if you go a little bit further
12 down, it talks about McKesson Connect and how many --
13 how many customers that can -- that can hit a day.

14 Do you see that?

15 A. I see that.

16 Q. Do you also see here at the bottom it
17 says:

18 "Content for each program listed above
19 must be provided by Purdue Pharma L.P." -- you agree
20 with that, right?

21 A. Yes.

22 Q. -- "and approved by McKesson clinical and
23 legal teams."

24 Do you see at that?

1 A. I see that.

2 Q. So not only did Purdue Pharma have to
3 approve of every comma, as you spoke about before, but
4 McKesson's clinical and legal teams had to approve the
5 documents as well, correct?

6 MR. STANNER: Objection; form, foundation.

7 BY THE WITNESS:

8 A. That's what it says there.

9 BY MS. CONROY:

10 Q. And if you take a look, it says:

11 "Create awareness as well as educate
12 pharmacists about RxPATROL. The marketing services
13 detailed above could be utilized by Purdue Pharma L.P.
14 to educate and create pharmacist awareness of RxPATROL
15 among pharmacies served by McKesson distribution."

16 Do you see that?

17 A. I see that.

18 Q. And -- and you understood that was the way
19 it worked when, for example, there was the OxyContin
20 bottle shown that was used for that week in August?

21 MR. STANNER: Objection.

22 BY MS. CONROY:

23 Q. That website?

24 MR. STANNER: Objection, form.

1 BY MS. CONROY:

2 Q. Do you remember you looked at that picture
3 of the OxyContin bottle just about an hour ago?

4 A. Yes.

5 Q. That's what -- that's what we are talking
6 about here?

7 MR. STANNER: Objection, form, foundation.

8 MR. HOFFMAN: Same objection.

9 BY THE WITNESS:

10 A. This is a general statement. The thing
11 that -- the item that we saw before was specific to
12 Direct Connect and the information related to the
13 reformulation of OxyContin.

14 BY MS. CONROY:

15 Q. Okay. But it was the same -- McKesson
16 Connect was the vehicle to circulate RxPATROL as well
17 as what we saw with -- with that one-week primary spot
18 for the reformulated OxyContin, correct?

19 MR. STANNER: Objection, form, foundation.

20 BY THE WITNESS:

21 A. I don't know if it was -- I don't remember
22 if it was done through Rx Connect.

23 BY MS. CONROY:

24 Q. You -- you don't remember which one?

1 A. RxPATROL.

2 Q. If Rx -- you don't remember if RxPATROL --

3 A. Was done.

4 Q. -- was available through McKesson Connect?

5 A. Connect.

6 Q. Okay.

7 A. Who is that addressed to?

8 Q. It was -- it's just an available McKesson
9 document.

10 A. I am wondering if that was done with the
11 RxPATROL folks. It doesn't indicate to who that was
12 sent.

13 Q. You can -- you can keep that.

14 A. Okay.

15 Q. I don't have to who it was sent.

16 A. Okay.

17 Q. Do you remember being shown Exhibit 52
18 which was the screen shot of what appeared on McKesson
19 Connect?

20 A. Yes.

21 (WHEREUPON, a certain document was
22 marked Purdue-Seid Deposition Exhibit
23 No. 059, for identification, as of
24 12/13/2018.)

1 BY MS. CONROY:

2 Q. Okay. Let me show you what I'll mark as
3 Exhibit 59, which is an actual screen shot of McKesson
4 Connect.

5 And do you see over here on the right-hand
6 side?

7 A. Yes.

8 Q. And that's what was -- that's what had a
9 primary spot for that week in August?

10 MR. STANNER: Objection to form and foundation.

11 BY MS. CONROY:

12 Q. You would see that that entire week when
13 you went to McKesson Connect?

14 A. I assume so, yes.

15 Q. Okay. And what we looked at in Exhibit 52
16 was just the picture, do you see, with the "order now"
17 button?

18 A. Right.

19 Q. Okay. But you also -- but you see that
20 the actual web page had this reference "click here for
21 more information" and that's where the fact pamphlet
22 was available, correct?

23 A. The FAQs, yes.

24 Q. And so anyone coming onto McKesson Connect

1 not only would see this banner ad but they would
2 also -- and they would be able to click and order from
3 this banner, they would also be able to click and
4 receive the multi-page FAQs, correct?

5 A. They would be able to click on that and
6 view the multi-page FAQs and the revised full product
7 information.

8 Q. Right. That whole -- that whole pamphlet
9 with the label that we saw?

10 A. Yes.

11 Q. And they could download it as well, right?

12 A. I don't know how their system -- I don't
13 know if that's cape -- the capability of their system.
14 I would assume they could download it.

15 Q. Okay. When McKesson sells Purdue
16 products, McKesson makes money, right?

17 A. When Pur -- when McKesson sells Purdue's
18 products?

19 Q. It makes -- it makes money, right?

20 A. I would assume they would make money.

21 Q. When -- when Purdue sells products using a
22 wholesaler like McKesson, Purdue makes money on its
23 own products, right?

24 A. Well, we make money on the sales to the

1 wholesaler.

2 Q. Right.

3 And the wholesaler makes money on some
4 percentage of what gets sold, right?

5 MR. STANNER: Objection, form, foundation.

6 BY THE WITNESS:

7 A. What -- how McKesson does their business,
8 obviously you would need to talk to them, but my
9 assumption is that they make money on what they sell.

10 BY MS. CONROY:

11 Q. They -- they don't do it for free?

12 A. Right.

13 Q. Let me just show you what I'll mark as
14 Exhibit 60.

15 (WHEREUPON, a certain document was
16 marked Purdue-Seid Deposition Exhibit
17 No. 060, for identification, as of
18 12/13/2018.)

19 BY MS. CONROY:

20 Q. Which is "Custom Solutions For Driving
21 Brand Performance by McKesson Manufacturer Marketing."
22 And I'll pass this to you so you can take a look if
23 you want.

24 And it says: "McKesson Manufacturer

1 Marketing partners with pharmaceutical manufacturers
2 to define and execute customized strategic solutions
3 targeting key awareness, distribution, sale" -- "sales
4 and adherence goals at all stages of the product
5 lifecycle."

6 Do you see that?

7 A. I see that.

8 Q. If we turn the page.

9 MR. STANNER: Do we have copies of this
10 document?

11 MS. CONROY: I don't have copies of it.

12 BY MS. CONROY:

13 Q. And then it says: "Created from a
14 portfolio of proven and innovative programs from
15 multiple McKesson business units. McKesson
16 Manufacturer Marketing strategic solutions deliver the
17 resources and expertise to help your brand."

18 Do you see that?

19 A. I see that.

20 Q. And one of those is McKesson Connect,
21 correct?

22 MR. STANNER: Objection; form, foundation.

23 BY THE WITNESS:

24 A. Does it list it on this piece?

1 BY MS. CONROY:

2 Q. I'm going to find it. I'm going to find
3 that. It lists Health Mart.

4 Remember we talked about that yesterday?

5 A. Yeah.

6 Q. And that's -- that's something that Purdue
7 Pharma has used in the past, correct?

8 A. I don't know if we've used. We have
9 explored Health Mart. But I'm not sure what we used
10 it for. It might have been for our OTC brands if we
11 did.

12 Q. Okay.

13 You used Direct Rx. It says: "Feature
14 your brand's ads in screen messages on McKesson
15 Connect."

16 That's what we just looked at, right?

17 A. Yeah, we used, yes.

18 Q. Okay. So: "The McKesson Manufacturer
19 Marketing strategic solutions deliver the resources
20 and expertise to help your brand," some of those
21 resources, as we just saw, are McKesson Connect,
22 correct?

23 MR. STANNER: Objection; form and foundation.

24 BY THE WITNESS:

1 A. And one of the resources listed was
2 McKesson Connect, yes.

3 BY MS. CONROY:

4 Q. Okay.

5 And it says here: "Increased product
6 distribution to retail pharmacies through targeted
7 product launch, distribution and packaging solutions."

8 Would you agree that McKesson provides
9 that service to Purdue?

10 MR. STANNER: Objection; form, foundation,
11 timeframe.

12 BY THE WITNESS:

13 A. They would -- can offer that solution, I
14 guess, to Purdue.

15 BY MS. CONROY:

16 Q. Okay. Well, McKesson has helped at
17 product launch, correct?

18 MR. STANNER: Objection; form, vague.

19 BY THE WITNESS:

20 A. We've worked with them on product
21 launches, yes.

22 BY MS. CONROY:

23 Q. They certainly work on distribution,
24 correct?

1 A. Correct.

2 Q. And what about packaging solutions, have
3 you ever used --

4 A. No.

5 Q. -- McKesson for packaging solutions?

6 A. Years and years before we used -- there
7 was an Rx Pack, which is a McKesson repacker, but we
8 didn't use that at this time.

9 Q. So that the more relevant issues would be
10 targeted product launch and distribution?

11 A. Correct.

12 MR. STANNER: Objection; form.

13 BY MS. CONROY:

14 Q. Then if you see here at the bottom it
15 says:

16 "Delivering an unmatched combination of
17 communication, distribution, packaging and pharmacist
18 coaching options, plus targeted analytics of exclusive
19 data. McKesson Manufacturer Marketing is designed to
20 enable brands to set strategic solutions that
21 prioritize opportunities, optimize resources and
22 improve profitability."

23 Do you see that?

24 A. I see that.

1 Q. Now, you're familiar with some of the
2 pharmacist coaching options, correct, you've heard
3 about -- you've heard about that?

4 MR. HOFFMAN: Object to form.

5 MR. STANNER: Objection.

6 BY THE WITNESS:

7 A. I don't -- I don't know where you are
8 going.

9 BY MS. CONROY:

10 Q. You don't -- you are not familiar with
11 pharmacist coaching?

12 A. I -- you'd have to be specific. I don't
13 know what those would be.

14 Q. Okay. "Targeted analytics of exclusive
15 data," that's the data that you receive in the
16 fee-for-service contracts, correct?

17 A. This is different than the fee-for-service
18 contracts.

19 Q. It is -- the targeted analytics would be
20 different?

21 A. That has nothing to do with
22 fee-for-service contracts.

23 Q. Okay. Do you know what the targeted
24 analytics of exclusive data is referring to?

1 A. I don't.

2 Q. But you know it is different than the data
3 that you received from McKesson on the Purdue
4 products?

5 A. This is under their marketing umbrella.
6 When I'm -- the fee-for-services agreement relates to
7 distribution.

8 Q. Okay. So that would be here,
9 distribution?

10 MR. STANNER: Objection; form.

11 BY THE WITNESS:

12 A. The fee-for-service agreement is based on
13 the distribution of Purdue's products. It has nothing
14 to do with a marketing program, zero.

15 BY MS. CONROY:

16 Q. Okay.

17 Do you see this where it says: "Build
18 patient awareness through retail merchandising,
19 promotions and advertising"?

20 Do you see that?

21 A. Yes.

22 Q. At least would there be any reason
23 RxPATROL documents would not be seen by a patient?

24 MR. HOFFMAN: Object to form.

1 BY THE WITNESS:

2 A. RxPATROL would not go to a patient. A
3 patient has no -- no relation to RxPATROL at all.

4 BY MS. CONROY:

5 Q. That's not quite my question, but if -- if
6 a patient was interested in sharing information to
7 help protect pharmacists, would there be any reason a
8 pharmacist could not inform customers coming into the
9 pharmacy about RxPATROL?

10 MR. STANNER: Objection, form, foundation, calls
11 for speculation.

12 BY THE WITNESS:

13 A. How would I know that?

14 MR. HOFFMAN: Object to form.

15 BY MS. CONROY:

16 Q. I'm asking you if you would have any
17 reason to believe it could not be done?

18 MR. HOFFMAN: Object to form.

19 BY THE WITNESS:

20 A. I'd have no reason to believe it could be
21 done.

22 BY MS. CONROY:

23 Q. Okay.

24 And what about the fact sheet about the

1 reformulated OxyContin that was available on McKesson
2 Connect, would that be something that a patient could
3 talk to a pharmacist about?

4 MR. HOFFMAN: Object to form.

5 BY THE WITNESS:

6 A. It would be something that a pharmacist
7 could talk to a patient about. It was not designed
8 for patient use -- utilization.

9 BY MS. CONROY:

10 Q. I saw -- fee-for-service contracts, they
11 are going to say that in the title, it will say
12 "fee-for-service contract"?

13 A. I think it says -- that's what we titled
14 it.

15 Q. Okay. I'll -- I'll tell you that I've --
16 I have located some drug distribution agreements that
17 have -- that reference fee-for-service --

18 A. Then that --

19 Q. -- data --

20 A. Yeah.

21 Q. -- in 52 --

22 A. Try drug distribution agreements.

23 Q. So it might be called a drug distribution
24 agreement?

1 A. It might be, yes.

2 Q. Okay. So you don't have a -- you don't
3 have a strong memory that it's actually called -- that
4 all of these agreements that are -- that contain the
5 fee-for-service data are called fee-for-service --

6 A. Fee-for-service.

7 Q. -- agreements.

8 A. No, I don't have a strong memory. I'm --
9 as a -- an old timer, I use the old term, which was
10 fee-for-service, but it may have been, when it was
11 done, a distribution management agreement.

12 Q. Okay. So when I -- when I see some of
13 that "fee-for-service" language --

14 A. Right.

15 Q. -- I can be comfortable that what I'm
16 looking at is actually the fee-for-service agreement?

17 A. It probably is, yeah.

18 Q. You've just cleared up a lot of confusion
19 that I had.

20 A. Okay.

21 Q. Thank you.

22 A. Sorry about that.

23 Q. No, that's -- that's quite all right.

24 MS. CONROY: I have no further questions. Thank

1 you.

2 THE WITNESS: Thank you.

3 (WHEREUPON, discussion was had
4 off the stenographic record.)

5 MR. STEWART: Okay. Let's go back on the
6 record.

7 THE VIDEOGRAPHER: We are back on the record at
8 6:01 p.m.

9 FURTHER EXAMINATION

10 BY MR. STEWART:

11 Q. Mr. McNeil, you remember that your
12 attorney in his examination brought this document out
13 and suggested that it -- it represented a DA -- a DEA
14 referral?

15 MS. PORTER: Objection. I am Mr. Seid's
16 attorney and that was --

17 MR. STEWART: Oh, pardon me.

18 BY MR. STEWART:

19 Q. Do you remember that Purdue's attorney
20 used this in his examination of you and just suggested
21 that it was evidence of a DEA referral?

22 MR. HOFFMAN: Object to form. I was just using
23 your exhibit.

24 BY THE WITNESS:

1 A. He did use that and pointed out there was
2 a referral in there.

3 BY MR. STEWART:

4 Q. Okay. But just to be clear, you -- you've
5 said you don't know anything about this document, is
6 that right?

7 A. I don't know -- I don't -- did not deal
8 with -- with referrals of physicians.

9 Q. It's not -- it is not a document you even
10 recognized when we were talking before, fair?

11 A. That's true.

12 Q. Okay.

13 (WHEREUPON, a certain document was
14 marked Purdue-Seid Deposition Exhibit
15 No. 061, for identification, as of
16 12/13/2018.)

17 BY MR. STEWART:

18 Q. I will hand you Exhibit 61.

19 And very quickly, do you see that this is
20 a -- a e-mail from a Jack Crowley to you?

21 A. This is an e-mail from Jack Crowley to --

22 Q. And I've got it highlighted if you want to
23 look at -- you're -- you're on --

24 A. It looks like members of the OMS

1 committee.

2 Q. Okay. And if you'd turn over to the next
3 page, do you see I've highlighted a section where he
4 says: "The traffic" -- trafficking case," and it
5 describes this article, "began as a probe by the Palm
6 Beach County Sheriff's Office but quickly expanded
7 into a collaborative effort with the US Drug
8 Enforcement Administration."

9 Do you see that?

10 A. I see that.

11 Q. Do you see that then on the first page,
12 Jack says:

13 "This is one of the problems, this
14 investigation went on from January of 2006 through
15 2" -- "October of 2009, meanwhile, the oxycodone was
16 hitting the streets."

17 Do you see that?

18 A. I see that.

19 Q. Do you remember talking to Jack about this
20 article?

21 A. I don't remember talking to Jack about
22 this article.

23 Q. Do you remember him having this view that,
24 you know, the DEA is a hardworking government

1 organization but the fact is, given their workload,
2 you're going to have delays like this, fair?

3 MR. HOFFMAN: Ob -- object to form and it is
4 beyond the scope of my examination.

5 BY THE WITNESS:

6 A. Yeah, that's -- can you rephrase the
7 question?

8 BY MR. STEWART:

9 Q. Yeah. I'm just -- had -- had you and
10 Mr. Crowley, do you recall him alerting you to the
11 fact that the DEA involvement even in this case
12 involved a three-year process?

13 Do you remember that?

14 A. Well, he -- he informed me via this
15 document, yes.

16 Q. That's correct.

17 Can you turn to Exhibit 48, I believe,
18 which is an OMS summary report in front of you?

19 A. Yes.

20 Q. Now that you are looking at it, and I'd
21 refer you to the page marked 0267. And do you see
22 that it -- it contains a recommendation?

23 A. Yes.

24 Q. Before, I think -- you know, we looked at

1 this document and you were questioning whether you --
2 whether it was an OMS committee report or document.

3 Now that you look at it, it is -- it is a
4 report from your committee, fair?

5 A. I'm -- this looks to be some kind of
6 summary report that Jack prepared. That's what it
7 looks like to me. It doesn't look like an OMS report.

8 Q. Okay. Do you see that there is a -- do
9 you see that there is a -- if you look at Page 0266,
10 there is a recommendation decision for OMS committee
11 9/19/2012.

12 Do you see that?

13 A. Yes.

14 Q. Okay. And do you see that the questions
15 are: "May Daryl Rose resume calling on the Food City
16 Pharmacies in Knoxville?"

17 A. That's what it says.

18 Q. And there is another question: "May Daryl
19 Rose resume calling on Janet McNeil M.D.?" And then
20 it lists her DEA number.

21 Do you see that?

22 A. Yes.

23 Q. Okay. And then do you see the notice that
24 the -- the recommendation is on the next page that:

1 "The sales representative may continue to
2 call, and will be requested to notify the General
3 Counsel's Office if further derogatory information is
4 obtained."

5 Do you see that?

6 A. Yes.

7 Q. So the point is, it may be, you know,
8 counsel for Purdue suggested that perhaps there had
9 been some referral for Frank McNeil, but here the
10 committee that you sit on gave Purdue salespeople the
11 green light to call on his wife Janet McNeil, fair?

12 MR. HOFFMAN: Object to form.

13 BY MR. STEWART:

14 Q. Is that fair?

15 A. I'm -- what's the question?

16 Q. The point is, the committee here is --
17 is -- is saying that -- that Purdue salespeople can
18 call on Janet McNeil?

19 A. According to what this document says.

20 Q. And what's the date on that document, the
21 date on the front?

22 A. September 19, 2012, although there is a
23 bunch of different dates throughout this document.

24 Q. What's the date of the decision that you

1 were just referring to, just so we're clear?

2 Here, and I'll guide you.

3 Do you see you've got on Bates No. 0266

4 you've got the decision for the committee and it says

5 September 19th, 2012?

6 A. Yes, I see that.

7 Q. Okay. And then you've got the decision on
8 the next page.

9 So that's a September 2012 decision --

10 A. Okay.

11 Q. -- fair?

12 A. That's what it says.

13 (WHEREUPON, a certain document was
14 marked Purdue-Seid Deposition Exhibit
15 No. 062, for identification, as of
16 12/13/2018.)

17 BY MR. STEWART:

18 Q. I hand you Exhibit -- I'll tell you what,
19 I hand you Exhibit 62.

20 Do you recognize it?

21 A. No.

22 Q. You've never seen that document before?

23 A. No.

24 Q. I'll tell you what, turn to --

1 A. Is there a date as to when this was
2 produced and who produced it?

3 Q. Well, here, I'll -- I'll -- I'll try to
4 answer your question.

5 Do you see on the second page marked 6763
6 with the Bates stamp, do you see that page?

7 A. Yes.

8 Q. Do you see that the last date on this
9 graph is 16 March '14?

10 A. I see that.

11 Q. Okay. So this -- this document may
12 reflect that period.

13 Why don't we turn to the page marked 6779.

14 A. Okay.

15 Q. Do you see there is a highlighted -- a
16 highlighted entry, and this is a chart that identifies
17 "Top 50 OxyContin outlets last 18 months"?

18 A. Yes.

19 Q. And do you see that on this list is K-VA-T
20 Food Stores Inc. at 5941 Kingston Pike, Bearden, in
21 Knoxville?

22 A. I see it on this document.

23 Q. Okay. And you flip to the other side for
24 clarity on the next page, 6780.

1 And do you see that listed among monthly
2 OxyContin purchasing trends by chain is Food City
3 K-VA-T Food Stores Inc., it's in the last -- last
4 chamber of this presentation?

5 A. Yes.

6 Q. Do you see that?

7 So -- so it looks like the Food City on
8 Kingston Pike had made the -- the top 50 OxyContin
9 outlet list, at least as of the production of this
10 document, fair?

11 MR. HOFFMAN: Object to form, misstates the
12 document.

13 BY THE WITNESS:

14 A. I don't know what this document is for or
15 what it's about --

16 BY MR. STEWART:

17 Q. Okay.

18 A. -- but on one page it shows 4.8 million in
19 sales and then it shows negative sales, so I don't
20 know what this document is about.

21 Q. All we can say, you can confirm for me
22 that if you look at the document, K-VA, and you're
23 looking at Page 6779, you can see that on -- on a
24 sheet that identifies top 50 OxyContin outlets, K-VA

1 Food Stores Inc. at 5941 Kingston Pike, Bearden is
2 listed, fair?

3 A. I can see on a document that doesn't give
4 a specific timeframe here --

5 Q. And --

6 A. -- but it is listed.

7 Q. -- can you turn to the front page of the
8 document that you are looking at?

9 A. Yes.

10 Q. What is the biggest word that appears on
11 that page?

12 A. "Purdue."

13 Q. Is that an indicator it might be a Purdue
14 document?

15 MS. MACKAY: Objection.

16 BY MR. STEWART:

17 Q. We talked -- you talked earlier you were
18 examined by Purdue's counsel about an e-mail that Jack
19 Crowley had sent you talking about the interplay
20 between pharmacies and doctors.

21 Do you remember that?

22 A. I remember him presenting a document, yes.

23 Q. Do you remember that he was talking about
24 pharmacies in Florida that were supplying people?

1 (WHEREUPON, a certain document was
2 marked Purdue-Seid Deposition Exhibit
3 No. 063, for identification, as of
4 12/13/2018.)

5 BY MR. STEWART:

6 Q. I'll give you Exhibit 63.

7 A. Is this the same document?

8 Q. It's not.

9 A. Then I'd have to look at the previous
10 document to refresh my memory.

11 MS. PORTER: Which one?

12 MR. STEWART: It's the -- it was used in his --
13 in Purdue's direct. No. It was -- it's the
14 document -- it's an e-mail by Crowley. It is probably
15 Exhibit 20 something.

16 I'm -- I'm looking at Purdue's counsel
17 because he just used it. It is probably in that pile
18 right there.

19 MS. MACKAY: Oh, it's exhibit -- I think it is
20 the -- one of the docs that was in Exhibit 3 of the
21 30(b)(6).

22 MR. HOFFMAN: 19 -- 19?

23 MR. STEWART: 19, Exhibit 19.

24 THE WITNESS: Thank you.

1 MS. PORTER: You're welcome.

2 BY MR. STEWART:

3 Q. Okay. So in Exhibit 19, do you have that
4 in front of you?

5 A. I do have it in front of me.

6 Q. And do you -- do you remember that
7 Mr. Crowley was talking to you about -- about
8 suspicious pharmacies and physicians in the Florida
9 area?

10 A. This, to be specific, is a memo from Jack
11 Crowley to many people, and so he wasn't speaking to
12 me. And one of the things that did come up --
13 sorry -- one of the things that did come up was ABC
14 Orlando in this document.

15 Q. And that was one of the suppliers that was
16 engaged in diversion?

17 MR. HOFFMAN: Object to form.

18 BY THE WITNESS:

19 A. I don't believe that that's what this
20 says.

21 BY MR. STEWART:

22 Q. Well, do you recall that in that document,
23 Exhibit 19, Jack Crowley talks about discovering a
24 pharmacy with suspicious orders and then discovering

1 doctors with suspicious orders?

2 A. He indicates a particular pharmacy that I
3 alerted him to and he associated it with a doctor, I
4 had given testimony to that before.

5 Q. And that all occurred in Florida?

6 A. That's what it says here.

7 Q. Okay. And -- and I take it you recall,
8 and this is the exhibit that you've got in front of
9 you now, Exhibit 63, Mr. Crowley had alerted you as
10 well that that diversion in Florida resulted in the
11 transfer of drugs, not the particular diversion
12 described in the previous exhibit, but that in general
13 there was a pipeline of pills coming from Florida up
14 into the Appalachian states, fair?

15 MR. HOFFMAN: Object to form, foundation.

16 BY THE WITNESS:

17 A. He sent a e-mail to, again, a list of
18 people and it was a -- an article. I don't see any
19 comment from Jack on here. It is a series of
20 articles.

21 BY MR. STEWART:

22 Q. But he has alerted you to this article
23 about "Pills From South Florida Flood Appalachian
24 States," fair?

1 A. That's what the title says.

2 Q. And it was sent to you by Jack Crowley?

3 A. I was copied on an e-mail that Jack
4 Crowley sent.

5 (WHEREUPON, a certain document was
6 marked Purdue-Seid Deposition Exhibit
7 No. 064, for identification, as of
8 12/13/2018.)

9 BY MR. STEWART:

10 Q. Okay. And this is the last document and
11 probably the last two minutes of this deposition. I'm
12 going to give you another exhibit, Exhibit 64.

13 And is this another one of Jack Crowley's
14 e-mails to you, this one to you only?

15 Do you see that?

16 A. I see that.

17 Q. And he is identifying some -- some
18 pharmacies for you to look at?

19 A. Yes.

20 Q. And he is -- one of them is Pardue's
21 Pharmacy at 1900 Patterson Street in Nashville,
22 Tennessee?

23 A. Yes.

24 Q. And do you see he points out on the next

1 page as part of his discussion:

2 "Based on the 584 percent increase in
3 branded Dilaudid, the continuous monitoring of the
4 wholesaler because of the increase in Oxycodone IR and
5 because Tennessee is becoming a hot spot, we believe
6 that the OMS committee should consider referring this
7 account to DEA in collaboration with the wholesalers."

8 Do you see that?

9 A. Yes.

10 Q. Okay. And do you recall Mr. Crowley
11 talking to you about Tennessee being a hot spot,
12 emerging as a hot spot?

13 A. I don't recall him discussing it. I see
14 it here in this document.

15 Q. Okay. When you all in Purdue would call a
16 state like Tennessee a hot spot in this context, what
17 would you mean?

18 MR. HOFFMAN: Object to form, foundation.

19 BY THE WITNESS:

20 A. Jack called it a hot spot.

21 BY MR. STEWART:

22 Q. What do you think he meant by a hot spot?

23 A. I don't know what his thinking was.

24 Q. Okay. Is that a term that you've heard in

1 Purdue?

2 A. I've heard people use the word "hot spot."

3 Q. And have they ref -- used it in connection
4 with diversion?

5 MR. HOFFMAN: Object to form.

6 BY THE WITNESS:

7 A. I'm not sure what they used it in
8 connection with, and what they were identifying.

9 MR. STEWART: Okay. Thank you, Mr. Seid.
10 That's all of the questions I have. We appreciate it.

11 MR. HOFFMAN: We can -- we can stay on. I just
12 have to mark one document and then we'll be done.

13 MR. STANNER: You are not going to let me ask
14 questions about the three new documents that have been
15 marked?

16 MS. PORTER: I think there is more -- I mean,
17 his seven hours are done and everyone has asked him
18 questions. There has been redirect.

19 MR. STANNER: There hasn't been, though, on
20 the -- the three new McKesson documents that were just
21 introduced. It is going to take two minutes.

22 MS. PORTER: Okay.

23 MS. CONROY: And it is not a seven hours. It is
24 seven hours plus -- I mean, that's what the court

1 order is and that's what the coordination agreement is
2 all about so that we are on --

3 MS. PORTER: I just -- I just told him okay.

4 MS. CONROY: Well, I'm just letting you know
5 that even -- because we have more depositions coming
6 up and it's not -- it is seven hours plus we get to
7 continue to question based on how much direct is done.

8 (WHEREUPON, discussion was had
9 off the stenographic record.)

10 FURTHER EXAMINATION

11 BY MR. STANNER:

12 Q. Mr. Seid, just a few questions about some
13 documents that were recently handed to you.

14 Do you recall seeing Exhibit 60?

15 A. Yes.

16 Q. Is that a document that you received
17 during the course of your work at Purdue?

18 Do you recall receiving that?

19 A. I don't recall receiving it.

20 Q. Okay. And you don't know whether it was
21 actually sent to anybody at Purdue, true?

22 A. I don't know if it was or it wasn't.

23 Q. Okay. That's all I had on that. You can
24 set that aside.

1 You also were shown this new document,
2 Exhibit 59, which is a banner ad with the click
3 through?

4 A. Yes.

5 Q. For information?

6 And you were also shown Exhibit 55, which
7 are the frequently asked questions regarding the
8 reformulated --

9 A. Yes.

10 Q. -- OxyContin, right?

11 A. Yes.

12 Q. Is it your understanding that if somebody
13 clicked on -- on that link that they would be taken to
14 those frequently asked questions?

15 A. Yes.

16 Q. And as we talked about before, those
17 frequently asked questions were drafted entirely by
18 Purdue?

19 MS. CONROY: Objection.

20 BY THE WITNESS:

21 A. Yes.

22 BY MR. STANNER:

23 Q. And McKesson was not allowed to change a
24 comma on that document?

1 MS. CONROY: Objection.

2 BY THE WITNESS:

3 A. That's correct.

4 BY MR. STANNER:

5 Q. And you told us how that document went
6 through 50 revisions, right?

7 A. No, I don't know if it was 50, but it went
8 through a lot of revisions.

9 Q. Right. And that -- it is a lengthy
10 document?

11 A. It is a lengthy document.

12 Q. Purdue put a lot of time and effort into
13 it and didn't want anybody changing anything on it?

14 MS. CONROY: Objection.

15 MR. HOFFMAN: Object to the form.

16 BY MR. STANNER:

17 Q. Isn't that correct?

18 A. Right. We could not -- if -- it had to be
19 use -- used as approved.

20 Q. Okay. And we already looked at the
21 contract, Exhibit 51, that's for this one-week banner
22 ad was in August -- the contract was in July of 2010.

23 Do you recall that?

24 A. Yes, I remember seeing that.

1 Q. Now, you were also shown this exhibit,
2 No. 58. I'll just hand it to you to refresh your
3 memory.

4 A. Yes.

5 Q. I might need it back.

6 Do you recall ever receiving that ad at
7 Purdue?

8 A. I don't recall this particular document --

9 Q. Okay.

10 A. -- with the Rx feature.

11 Q. And do you know whether anybody at Purdue
12 received that document?

13 A. I --

14 MS. CONROY: Objection.

15 BY THE WITNESS:

16 A. I don't know who received this document.

17 BY MR. STANNER:

18 Q. Do you know if anybody ever did one way or
19 the other?

20 MS. CONROY: Objection.

21 BY THE WITNESS:

22 A. I -- I don't know. It is a R -- Purdue
23 Pharma R -- L.P. RxPATROL.

24 BY MR. STANNER:

1 Q. Okay.

2 A. So -- I'm sorry.

3 Q. Whether it was a draft or it went to
4 Purdue, you don't know?

5 A. I have no idea.

6 Q. Okay.

7 MS. PORTER: Do you need it back?

8 MR. STANNER: Yeah.

9 BY MR. STANNER:

10 Q. Well, I guess I might have to show you
11 again, but do you see that document is dated 2012?

12 A. Yes.

13 Q. And this document related only to this
14 RxPATROL program, right?

15 A. Well, I don't know, because I --

16 Q. Do you see in the title there it talks
17 only about --

18 A. It says -- it shows it on RxPATROL, but as
19 I said, I'm -- don't remember receiving this document
20 or seeing this document.

21 Q. In any event, if it relates to RxPATROL,
22 it has got nothing to do with the OxyContin banner ad?

23 A. It had to do with RxPATROL.

24 Q. Yeah. And RxPATROL is about pharmacy

1 security?

2 A. And safety.

3 Q. And safety.

4 And, again, the materials prepared on that
5 by Purdue were materials that you wouldn't want
6 modified or changed by anybody, right?

7 A. No.

8 MS. CONROY: Object.

9 BY THE WITNESS:

10 A. They would have to be used as designed.

11 BY MR. STANNER:

12 Q. Okay. So just like the faxes and just
13 like the banner ads, if McKesson got it they couldn't
14 change a comma on there?

15 MS. CONROY: Objection.

16 BY MR. STANNER:

17 A. That would be my understanding. Again, I
18 didn't deal with this, but even if it was another
19 department that was policy that...

20 BY MR. STANNER:

21 Q. Okay.

22 A. It's used as approved.

23 Q. And this document here dated 2012, that's
24 two years after the OxyContin banner ad?

1 A. Yes.

2 MR. STANNER: Okay. That's all I have. Thanks.

3 BY THE WITNESS:

4 A. To be used into the reformulation.

5 THE WITNESS: Do you want that back?

6 MR. STANNER: I do -- I do want to just say one
7 thing for the record.

8 We have got some original deposition
9 exhibits that now have highlighting and marking on it
10 and to the extent we are going to be admitting any of
11 these things at trial, I don't think it should be done
12 with -- I would object to doing it with highlighting
13 and marking. That's it.

14 MS. CONROY: I'm happy to swap them out.

15 MS. PORTER: This one is 58, this guy.

16 MS. CONROY: That's all I have. I don't have
17 another one.

18 MS. PORTER: No, I'm just letting you know
19 which one he is talking about.

20 MS. CONROY: Thank you. We'll have to work it
21 out.

22 MS. PORTER: Maybe -- maybe also 59.

23 THE WITNESS: 60. I'm sorry.

24 MS. PORTER: And 60.

1 FURTHER EXAMINATION

2 BY MR. HOFFMAN:

3 Q. Hello again, Mr. Seid.

4 A. Hello.

5 Q. I -- I will be very brief.

6 Plaintiffs counsel for the MDL,

7 Ms. Conroy, remember she asked you about this

8 correspondence to Chief Boockholdt?

9 A. Chief Boockholdt, yes.

10 Q. Do you remember that from Jack Crowley
11 with the 285 pharmacies that were being sent over to
12 Chief Barbara Boockholdt.

13 Do you recall that?

14 A. I remember that.

15 Q. And just to clear up any potential
16 confusion, while Ms. Conroy was asking you questions,
17 we just went on LinkedIn.

18 Do you see Barbara Boockholdt there?

19 A. Yes.

20 Q. Do you see it says under Experience, "Drug
21 Enforcement Administration, 36 years."

22 Do you see that?

23 A. Okay. So she was DEA.

24 Q. And, in fact, if we look at the time

1 period that is referenced in the e-mail, which is
2 October 7, 2011 --

3 A. Um-hum.

4 Q. -- and we compare that to her LinkedIn
5 profile --

6 MR. STEWART: Object to the form.

7 BY MR. HOFFMAN:

8 Q. You will see that she was Chief Regulatory
9 Section, Drug Enforcement Administration at that time?
10 Is that right?

11 MS. CONROY: Objection.

12 BY THE WITNESS:

13 A. I see that.

14 BY MR. HOFFMAN:

15 Q. So having looked at this, is -- is there
16 any doubt in your mind that this e-mail and the
17 referral of these pharmacies was going to the DEA?

18 MR. STEWART: Objection.

19 BY THE WITNESS:

20 A. It appears that it was going to the DEA.

21 MR. HOFFMAN: Okay. Thanks. That's all of the
22 questions that I have.

23 MS. CONROY: I have a couple of questions.

24 MS. MACKAY: Nathan, did you want to mark that?

1 MR. HOFFMAN: Oh, I'm sorry. We didn't mark it.
2 We'll mark it as 60 -- is it 65?

3 MS. CONROY: Yes.

4 MR. HOFFMAN: Okay.

5 (WHEREUPON, a certain document was
6 marked Purdue-Seid Deposition Exhibit
7 No. 065, for identification, as of
8 12/13/2018.)

9 FURTHER EXAMINATION

10 BY MS. CONROY:

11 Q. Mr. Seid, in response to Mr. --

12 MS. CONROY: I'm sorry, what's your --

13 MR. STANNER: Stanner.

14 BY MS. CONROY:

15 Q. -- Stanner's questions about McKesson, you
16 saw one of the exhibits said that McKesson as well as
17 Purdue had the ability to review whatever would be
18 posted in the McKesson site, do you recall that?

19 A. I saw that on the RxPATROL document.

20 Q. Right.

21 Where it said that both Purdue Pharma and
22 McKesson clinical and legal would approve the
23 document?

24 A. I saw that on the RxPATROL document.

1 Q. Okay. So you don't know -- you don't know
2 one way or the other whether McKesson could actually
3 refuse to put something on McKesson Connect regardless
4 of whether Purdue wanted it there, correct?

5 MR. STANNER: Object to form and foundation.

6 MR. HOFFMAN: Objection.

7 BY THE WITNESS:

8 A. I don't understand the question.

9 BY MS. CONROY:

10 Q. Okay. The ad that was up there, there
11 were some questions that you were asked about whether
12 or not it could be changed by McKesson.

13 Do you recall that?

14 A. The OxyContin ad?

15 Q. Any ad at all, but, sure, the OxyContin
16 ad.

17 A. I was shown the OxyContin contract and as
18 I remember when I looked at it, it didn't say anything
19 about McKesson review.

20 Q. Do you know if --

21 A. On that document it is for RxPATROL and I
22 don't know if -- who that document was produced for.

23 Q. Okay. So is it your understanding, then,
24 that the RxPATROL document, McKesson would be able to

1 review that document before it posted it on its
2 website?

3 MR. STANNER: Objection; form, foundation.

4 MR. HOFFMAN: Object to the form.

5 BY THE WITNESS:

6 A. As proud as I am of RxPATROL, I am not
7 responsible for that. So if that -- any kind of
8 marketing pro -- program was proceeded with or we
9 would proceed with a marketing program, anything that
10 would be done with that document would go back to the
11 generating department. So nothing would be done to
12 any of those documents unless it was signed off by
13 corporate security.

14 BY MS. CONROY:

15 Q. I agree.

16 Purdue would need to sign off on the
17 document before it gave it to McKesson to post on --

18 A. No. I'm talking about even after -- if it
19 went through McKesson review.

20 Q. It would still have to go through Purdue
21 review is what you are saying?

22 A. It would have to go back to Purdue. And
23 if it was coming back to Purdue, if it -- if it was
24 out of my shop, I would probably say we are not going

1 to do the program because I know we are not going to
2 change it in our house.

3 Q. And do you know one way or the other
4 whether McKesson could say the same thing, if you
5 don't accept our changes --

6 A. I don't know. I don't know. It appears
7 it didn't happen with the one ad we did that I'm aware
8 of. But I don't know McKesson's operating procedures.

9 Q. Right.

10 So you don't know one way or the other
11 whether McKesson could refuse to run it if they didn't
12 get the changes that they wanted to the document?

13 MR. STANNER: Objection; misstates the evidence,
14 assumes facts not in evidence.

15 BY MS. CONROY:

16 Q. You don't know?

17 A. My -- my issue here is that the document
18 that we are talking about was two years after the
19 document that my department was involved in and I
20 don't remember if my department was involved in that
21 RxPATROL piece. I don't know if McKesson's policies
22 were different from when we did our piece, so that's
23 not -- I don't know who that went to. I don't know
24 who was asking or what -- where it proceeded. So I

1 really can't say what would happen with that document.

2 I'm not trying to -- I just don't know.

3 It was a -- a different period of time and a different
4 document.

5 Q. It's your testimony that Purdue would not
6 want any of its documents changed that were going to
7 be given to a wholesaler for promotional purposes,
8 correct?

9 A. Yes. And that was in reference to the
10 2010 document.

11 Q. Right. Well, I'm talking about at all.

12 A. That was -- would be my understanding.

13 Q. Okay. And you also don't know whether a
14 wholesaler at any time being given a promotional
15 document from Purdue could tell Purdue, unless they
16 changed something they wouldn't run it, you don't know
17 one way or the other?

18 MR. HOFFMAN: Objection to form.

19 MR. STANNER: Objection to form, vague,
20 incomplete hypothetical.

21 MR. HOFFMAN: Assumes facts not in evidence.

22 BY THE WITNESS:

23 A. I don't know one way or the other which
24 way that -- I -- I don't know about that document.

1 BY MS. CONROY:

2 Q. That's not -- it's not your area, right?

3 A. It's not my area. I mean, market -- if it
4 would have come from my area, I would know that we
5 were involved in it, but I don't remember doing that
6 program.

7 Q. Okay. The inspector, Barbara Boockholdt,
8 I think her name was --

9 MR. HOFFMAN: It is chief.

10 BY MS. CONROY:

11 Q. Chief, thank you, Chief Boockholdt, when
12 you were answering questions that Mr. Hoffman was
13 asking you about that e-mail, you didn't know whether
14 she was DEA or DOJ, did you?

15 A. No. I knew she was some kind of law
16 official in the Federal Government.

17 Q. Okay. But thanks to LinkedIn now we know,
18 right?

19 A. Now we know.

20 MS. CONROY: Okay. Thank you.

21 THE WITNESS: Who is next?

22 MR. HOFFMAN: We are off -- we are off the
23 record.

24 THE VIDEOGRAPHER: We are off the record at

1 6:34 p.m.

2 (Time Noted: 6:34 p.m.)

3 FURTHER DEPONENT SAITH NAUGHT.

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1 REPORTER'S CERTIFICATE

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3 I, JULIANA F. ZAJICEK, C.S.R. No. 84-2604,
4 a Certified Shorthand Reporter, do hereby certify:

5 That previous to the commencement of the
6 examination of the witness herein, the witness was
7 duly sworn to testify the whole truth concerning the
8 matters herein;

9 That the foregoing deposition transcript
10 was reported stenographically by me, was thereafter
11 reduced to typewriting under my personal direction and
12 constitutes a true record of the testimony given and
13 the proceedings had;

14 That the said deposition was taken before
15 me at the time and place specified;

16 That I am not a relative or employee or
17 attorney or counsel, nor a relative or employee of
18 such attorney or counsel for any of the parties
19 hereto, nor interested directly or indirectly in the
20 outcome of this action.

21 IN WITNESS WHEREOF, I do hereunto set my
22 hand on this 17th day of December, 2018.

23

24 JULIANA F. ZAJICEK, Certified Reporter

1 DEPOSITION ERRATA SHEET

2

3 Assignment No. 200041

4 Case Caption: In Re: National Prescription

5 Opiate Litigation

6

7 DECLARATION UNDER PENALTY OF PERJURY

8

9 I declare under penalty of perjury that I
10 have read the entire transcript of my Deposition taken
11 in the captioned matter or the same has been read to
12 me, and the same is true and accurate, save and except
13 for changes and/or corrections, if any, as indicated
14 by me on the DEPOSITION ERRATA SHEET hereof, with the
15 understanding that I offer these changes as if still
16 under oath.

17

18 STEPHEN SEID

19

20 SUBSCRIBED AND SWORN TO

21 before me this day

22 of , A.D. 20__.

23

24 Notary Public

1 DEPOSITION ERRATA SHEET

2 Page No. _____ Line No. _____ Change to: _____

3 _____

4 Reason for change: _____

5 Page No. _____ Line No. _____ Change to: _____

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20 Page No. _____ Line No. _____ Change to: _____

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22 Reason for change: _____

23 SIGNATURE: _____ DATE: _____

24 STEPHEN SEID

1	DEPOSITION ERRATA SHEET
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23	SIGNATURE: _____ DATE: _____
24	STEPHEN SEID